



APPLICATION ACCEPTED: November 28, 2007  
APPLICATION AMENDED: January 28, 2008  
PLANNING COMMISSION: April 17, 2008  
BOARD OF SUPERVISORS: April 28, 2008  
@ 3:30 pm

## County of Fairfax, Virginia

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April 2, 2008

# CRD

### STAFF REPORT

APPLICATION SEA 01-M-010

#### MASON DISTRICT

**APPLICANT:** Skyline Amoco, LLC trading as Discount Gas

**ZONING:** C-5, SC, HC, CRD

**PARCEL:** 61-2 ((17)) (A) 17A

**ACREAGE:** 29,070 square feet

**FAR:** 0.12

**OPEN SPACE:** 20.8%

**PLAN MAP:** Retail / Commercial

**SE CATEGORY:** Category 6: Service Station/Mini-mart and Fast Food Restaurant in a Highway Corridor Overlay District, and Category 5: Car Wash

**PROPOSAL:** To amend SE 01-M-010, previously approved for (and developed with) a Service Station/Mini-mart with an attached Car Wash, to permit the addition of a fast food restaurant within the existing building and waivers and modifications in the CRD

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Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
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Integrity \* Teamwork \* Public Service

## **STAFF RECOMMENDATIONS:**

Staff recommends approval of SEA 01-M-010 subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a waiver of the service drive requirement on Columbia Pike.

Staff recommends approval of a modification of the transitional screening requirement on the northern boundary in favor of that shown on the SE Plat and as conditioned.

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 TTY 711 (Virginia Relay Center).



# Special Exception Amendment

SEA 01-M-010

Applicant:

SKYLINE AMOCO, LLC TRADING AS DISCOUNT GAS

Accepted:

11/28/2007 Amended: 01/28/2008

Proposed:

TO AMEND SE 01-M-010 PREVIOUSLY APPROVED FOR A SERVICE STATION, MINI MART AND CAR WASH IN A HIGHWAY CORRIDOR OVERLAY DISTRICT TO PERMIT ADDITION OF A FAST FOOD RESTAURANT, WAIVERS AND MODIFICATIONS IN A CRD; AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND CONDITIONS

Area:

29,070 SF OF LAND; DISTRICT - MASON

Zoning Dist Sect: 07-0607 04-05040 9-0622

Art 9 Group and Use: 6-08 5-03 6-19

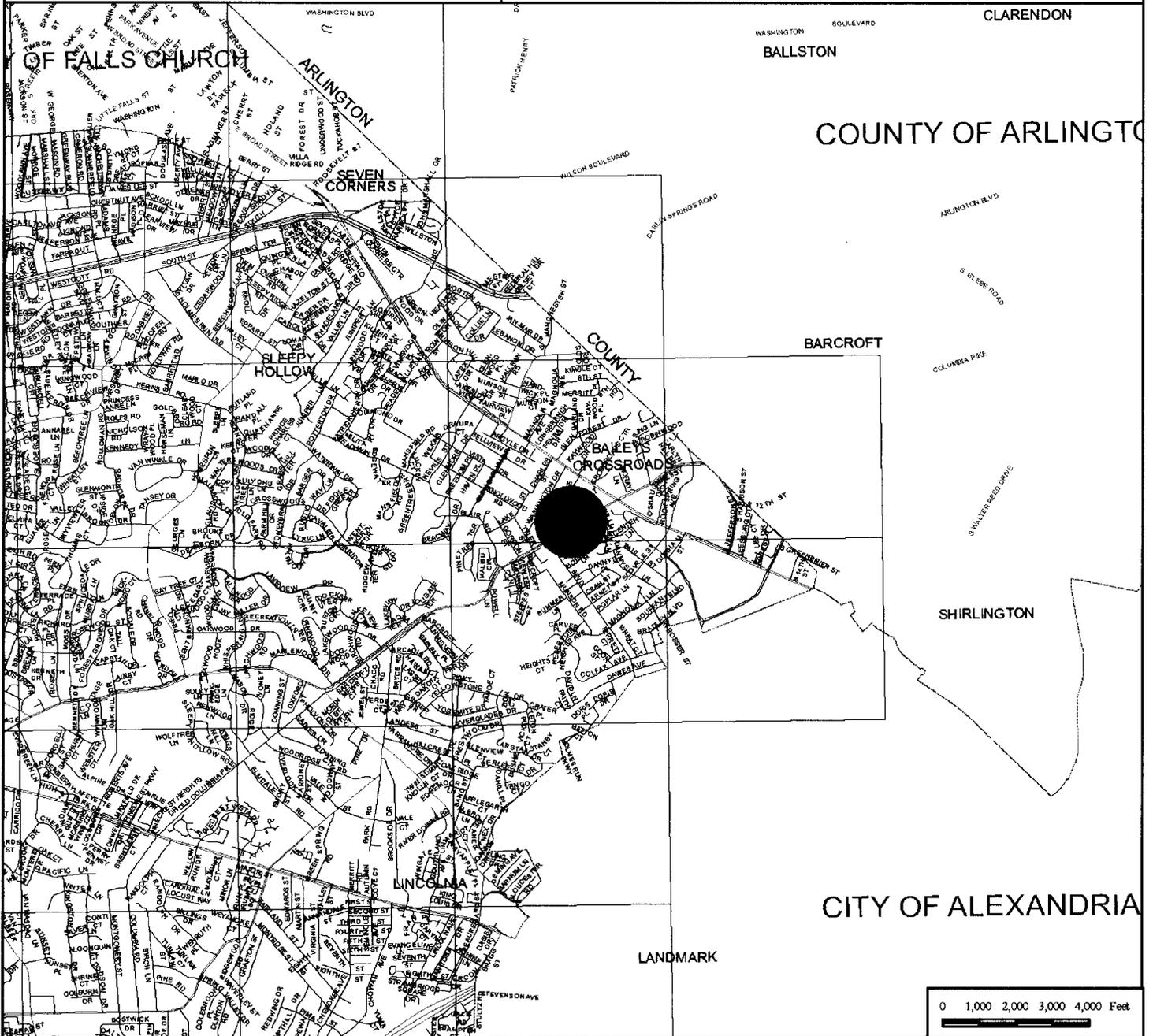
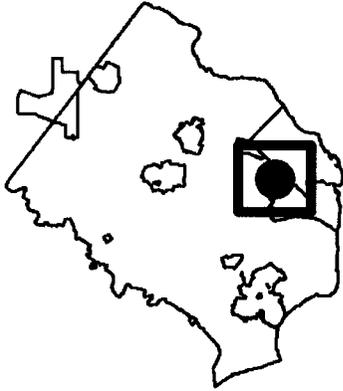
Located: 5842 COLUMBIA PIKE

Zoning: C- 5

Plan Area: 1,

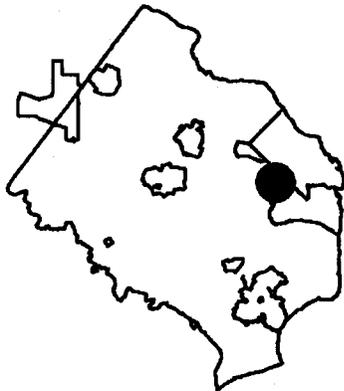
Overlay Dist: CRD SC HC

Map Ref Num: 061-2- /17/A/0017A



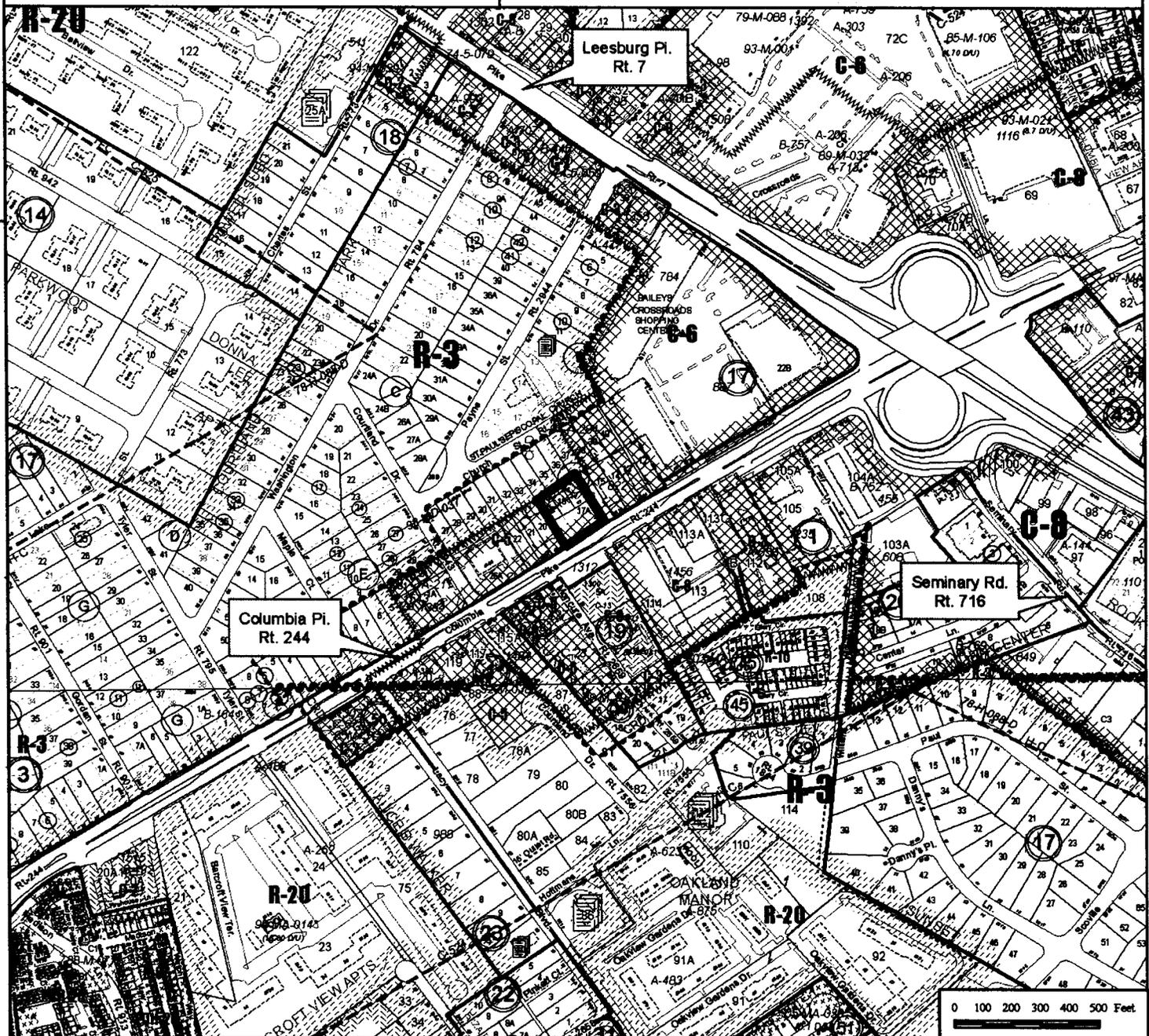
# Special Exception Amendment

## SEA 01-M-010



**Applicant:** SKYLINE AMOCO, LLC TRADING AS DISCOUNT GAS  
**Accepted:** 11/28/2007  
**Proposed:** TO AMEND SE 01-M-010 PREVIOUSLY APPROVED FOR A SERVICE STATION, MINI MART AND CAR WASH IN A HIGHWAY CORRIDOR OVERLAY DISTRICT TO PERMIT ADDITION OF A FAST FOOD RESTAURANT, WAIVERS AND MODIFICATIONS IN A CRD, AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND CONDITIONS

**Area:** 29,070 SF OF LAND; DISTRICT - MASON  
**Zoning Dist Sect:** 07-0607 04-0504 09-0622  
**Art 9 Group and Use:** 6-08 5-03 6-19  
**Located:** 5842 COLUMBIA PIKE  
**Zoning:** C- 5  
**Plan Area:** 1,  
**Overlay Dist:** CRD SC HC  
**Map Ref Num:** 061-2- /17/A /0017A





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

**DESCRIPTION OF THE APPLICATION**

**Proposal:** Amend an existing Special Exception to add a Fast Food Restaurant component, within the existing building, to a previously approved and constructed Service Station/Mini-mart with an attached Car Wash

The following chart compares the approved uses on-site to the proposed uses.

	<b>Approved</b>	<b>Proposed</b>
Uses	Service Station / Mini-mart with six gas pumps (12 pumping stations)  Car wash (attached)	Service Station / Mini-mart with six gas pumps (12 pumping stations)  Car wash (attached)  Fast Food Restaurant Counter ( <i>with up to 11 seats per original request; staff's recommendation is for no less than 2 seats and no more than 5 seats</i> )
Employees	3 on-site at any one time *	8 on site at any one time *
Hours	24 hours *	6 am to 12 midnight *
GFA	3,601 sq ft	3,601 sq ft
FAR	0.12	0.12
Parking	15 spaces	15 spaces
Open Space	20.8%	20.8%

\* per applicant's statement, no limitations in conditions

**Waivers and Modifications:** Waiver of the service drive requirement on Columbia Pike

Modification of the transitional screening requirement on the northern boundary

**LOCATION AND CHARACTER**

The subject property is located in the Bailey's Crossroads area, to the southwest of the intersection, on the north side of Columbia Pike. The property is developed with a service station / mini-mart with six gas pumps (12 pumping stations) that was constructed in accordance with SE 01-M-010. An attached car wash is located on the western side of the structure.

Access is provided directly to Columbia Pike through two entrances; streetscape improvements were installed along the site frontage as part of the County’s Columbia Pike streetscape improvement project a few years ago. These frontage improvements include some landscaping, brick paver sidewalks, and streetlights.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Vacant	R-3, CRD	Community Service Retail & Office
South	County Homeless Shelter	C-8, CRD	Retail and Other; Office
East	Retail (German Gourmet)	C-5, CRD	Community Serving Retail & Office
West	Eating Establishment (Pollo Campero)	C-5, CRD	Office

**BACKGROUND**

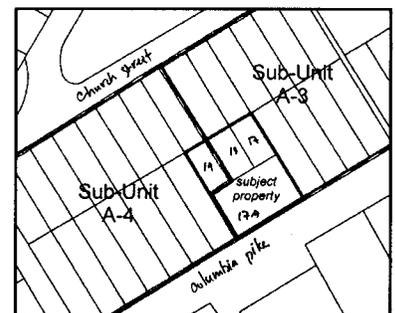
Application SE 86-M-097 for a service station and vehicle light service establishment was filed on October 10, 1986. Staff recommended denial based on the lack of provision of a service drive and inadequate transitional screening and barrier to the north. On May 14, 1987, the Planning Commission recommended denial on these issues; the application was deferred indefinitely and subsequently dismissed on April 19, 1991.

Application SE 01-M-010 for a service station/mini mart and car wash was approved on July 9, 2001, with development conditions. (See Appendix 4 for plat and conditions) Additional time to commence construction was granted on December 5, 2005. The building was subsequently constructed and occupied.

A Notice of Violation was issued on August 17, 2007, citing the operation of a fast food restaurant in the building which was not permitted by the Special Exception Approval. See Appendix 5 for NOV. Action on this NOV has been held, pending resolution of this application.

**COMPREHENSIVE PLAN PROVISIONS (Appendix 6)**

- Plan Area:** Area I
- Planning District:** Baileys Crossroads
- Planning Sector:** Baileys Crossroads Community Business Center  
Land Unit A; Sub-Units A-3 and A-4



*Note: the majority of the subject property lies in Sub-Unit A-3, with the northwest corner lying in Sub-Unit A-4, as illustrated to the right.*

**Plan Map:** Retail and Other Uses

**Plan Text:**

In the Fairfax County Comprehensive Plan, 2007 Edition, Area I, Baileys Planning District, Baileys Crossroads Community Business Center, Land Unit A, Sub-units A-3 and A-4, as amended through September 11, 2006, pages 30 to 31, the Plan states:

“Sub-Unit A-3

The focus of this sub-unit is the Baileys Crossroads Shopping Center, located directly west of the Columbia Pike/Leesburg Pike interchange. Revitalization of the existing shopping center which may include expansion and redevelopment within the sub-unit should provide facade renovation, parking lot landscaping, coordinated signage, and coordinated access points along Leesburg and Columbia Pikes. This sub-area is planned for community-serving retail and office uses up to .35 FAR.

...

Sub-Unit A-4

Within this sub-unit, parcels 61-2 ((17)) (E) 1A-5 and 61-2 ((17)) (A) 19-21 are developed with and planned for neighborhood-serving retail uses. Parcels 61-2 ((17)) (A) 23-34 are planned for office use at the current intensity. To provide a transition between the stable single-family residential neighborhood to the west and north, the remainder of this sub-unit is planned for residential use at 4-5 du/ac.”

## ANALYSIS

### Special Exception Plat (Copy at front of staff report)

Title of SE Plat:	Skyline Amoco
Prepared By:	David B. Friend
Original and Revision Dates:	December 12, 2000 as revised through June 4, 2001 <i>recertified for “parking tab only” stamped by John F. Souser on October 25, 2007</i>

The SE Plat consists of one sheet showing the following:

- “C-Store” (service station/mini-mart) of 2,240 square feet located at the north end of the site. Notes indicate that 400 square feet will be second story office space, and that the height of the building will be 22 feet.

*No changes are proposed to the building from that approved with the original SE; however, the additional use of “fast food restaurant” will be incorporated into the building*

- A single bay, automatic car wash attached to the west side of the building (961 square feet total, including equipment). Access to the car wash consists of a stacking lane entering on the east side of the building, wrapping around the back, and entering the car wash from the rear. *No changes proposed from original approval*
- Six (6) multi-product dispensers (MPD) in the center of the site, with a canopy measuring approximately 56 x 72 feet. (The width of the canopy is required to allow free movement of cars at the pumps.) Notes indicated the height of the canopy will be 20 feet. *No changes proposed from original approval*
- Interparcel access to the east and west. *No changes proposed from original approval*
- Frontage improvements provided by the County's Columbia Pike Streetscape Project (#8911), including a two foot wide grass strip and five foot wide brick paver sidewalk located in the right-of-way, and a landscaping area 18 feet in depth, located on the subject property, including shade trees. *No changes proposed from original approval*
- Ten (10) foot wide screening area and existing six foot high chain link fence along the northern boundary.

*No changes proposed from original approval (Note that staff has proposed a development condition requiring the installation of a solid wooden fence along the northern boundary.)*

- Fifteen parking spaces are provided on the site, including one handicapped space. Ten spaces are provided as head-in spaces in front of the building, with an additional space designated as a loading space. The five additional spaces are provided along the eastern property boundary, as parallel parking spaces.

*The original special exception showed the same number of spaces, but did not provide a loading space. Therefore, 11 spaces were provided along the front of the building and only four parallel spaces were shown along the eastern boundary of the site.*

### **Land Use & Environmental Analysis (Appendix 6)**

The applicant is proposing to develop the site under the baseline option which permits retail and office use up to a 0.35 FAR, and recommends the renovation and improvement of existing uses.

The applicant is requesting the addition of another use to the site, that of the fast foot restaurant in the form of a food counter within the approved and constructed mini-mart/service station building. The initial approval provided 14 parking spaces, and did

not utilize the permitted parking reduction that was, at that time, automatic in the Baileys Crossroads CRD. The initial request for this special exception amendment included a request for up to 11 seats for the fast food restaurant, which would have required 15 parking spaces, utilizing the CRD parking reduction. Because the CRD parking reduction is no longer automatic, but now requires a demonstration that the use is contributing to the goals of the CRD, staff evaluated the new proposed use with that criteria. Staff did not feel that the original proposal added anything to the site that justified the parking reduction. The applicant has therefore agreed to reduce the number of seats to that which could be accommodated without needing to utilize the CRD parking reduction. Because the site provides 15 spaces, the uses would in fact be over-parked by one space; however, staff does not recommend that additional seats be provided to utilize this space as several spaces are in poor locations, as discussed in the Transportation section.

Much of the vegetation on the site is in poor condition, including one of the two shade trees along Columbia Pike. Staff believes that this vegetation should be replaced with healthy plantings, and that it would be appropriate for the large landscape strip along Columbia Pike to be enhanced with additional shrubs and other plantings. In addition, as was recommended in the original special exception, a solid fence should be installed along the northern boundary of the site to provide a buffer to the adjacent property which is planned for office use, especially in light of the addition of another use to the site.

Staff has proposed development conditions requiring that all vegetation determined by the Urban Forest Management Branch of DPWES to be dead or dying be replaced, and requiring the chainlink fence along the northern boundary to be replaced by a solid wooden fence, which will be in keeping with recent approvals in this corridor.

With the improvements to the landscaping and screening proposed by the development conditions, and with the proposed reduction in seating so that the site is parked without utilizing the CRD parking reduction, staff believes that there will be no negative impact by the addition of a fast food restaurant counter to the existing use. Staff has proposed a development condition that no fewer than two and no more than five seats be maintained at the fast food counter. The requirement for at least two seats allows the use to be parked as a fast food use with seats, rather than as a walk up counter (which would require additional parking spaces). Staff believes that the use will most likely be used by patrons of the service station, and therefore, the proposed amount of parking is appropriate.

### **Transportation Analysis (Appendix 7)**

No significant changes are proposed to the site from that approved with the initial special exception, and staff does not believe that the replacement of a portion of the mini-mart floor area with a fast food restaurant counter will have a significant impact on the circulation on the site. The parallel parking spaces located along the eastern boundary are not ideal spaces, as they have some potential to conflict with the stacking spaces for the car wash. Because these spaces were approved with the previous application and are existing, this is not a significant issue for this application.

**ZONING ORDINANCE PROVISIONS (Appendix 8)**

<b>Bulk Standards (C-5 CRD)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	40,000 square feet	29,070 square feet <sup>1</sup>
Lot Width	200 feet	150 feet <sup>1</sup>
Building Height	40 feet	22 feet (canopy 20 feet)
Front Yard	20 feet	141 feet
Rear Yard	20 feet	24 feet
FAR	0.30	0.12
Open Space	20%	20.8%
Parking Spaces	14 spaces <sup>2</sup>	15 spaces
<b>Transitional Screening &amp; Barrier:</b>		
North (R-3)	50 feet, Barrier E, F, or G	10 feet, 6 foot chain link fence <sup>3</sup>

<sup>1</sup> The subject parcel was created prior to the advent of the Zoning Ordinance, therefore, although the parcels do not meet the Ordinance requirements, they are grandfathered as legal, buildable lots under the provisions of Sect. 2-405.

<sup>2</sup> Not utilizing the CRD Parking Reduction, with seats limited to 2-5 as proposed in the development conditions

<sup>3</sup> As proposed by the applicant, a modification of the transitional screening requirement has been requested. Additionally, staff is proposing a condition requiring the provision of a solid wooden fence along the northern boundary

**Waivers/Modifications:***Modification of the transitional screening requirement:*

The applicant has requested a modification of the transitional screening requirement along the northern property boundary, abutting vacant property that is zoned R-3. Fifty (50) feet of transitional screening is required; the applicant has provided 10 feet. Par. 5 of Sect. 13-304 states that “[t]ransitional screening and barriers may be waived or modified where the adjoining land is designated in the adopted comprehensive plan for a use which would not require the provision of transitional screening...” The Comprehensive Plan designates the adjacent property for community serving retail and office uses, which would not require transitional screening or barrier. In addition, the property is entirely under the ownership of the adjacent shopping center. Staff does not object to the requested waiver; however, as noted in the Land Use section, staff has proposed a development condition requiring that dead and dying landscaping be replaced, and that a solid wooden fence be provided in lieu of the existing chain-link fence as a condition of the additional use.

*Waiver of Service Drive*

The service drive along Columbia Pike was waived in the previous application with the provision of interparcel access to the east and west. No changes are proposed to this situation, and staff does not object to the continuation of this waiver.

**Other Zoning Ordinance Requirements:****Special Exception Requirements (Appendix 8)**

General Special Exception Standards (Sect. 9-006)

Category 5 Standards (Sect. 9-503)

Additional Standards for Automobile-Oriented Uses, Car Washes, ... Fast Food Restaurants, ... and Service Stations/Mini-marts (Sect. 9-505)

Provisions for Approving ... Fast Food Restaurants, ... Service Stations and Service Station/Mini-Marts in a Highway Corridor Overlay District (Sect. 9-611)

*General Special Exception Standards (Sect. 9-006)*

The General Special Exception Standards require that the proposal be in harmony with the Comprehensive Plan; that there be a finding of no significant negative impacts on surrounding properties; and that safe and adequate vehicular and pedestrian access be provided. The applicant has proposed a development that is a modification of an existing use. The proposal maintains the landscaped frontage to Columbia Pike, sidewalks, and interparcel access provided with the original special exception. Staff does not believe that the replacement of a portion of the floor area for the mini-mart use with a fast food restaurant counter will result in a significant change to the operation of the site, so long as the parking can continue to be accommodated without utilizing the CRD parking reduction. Staff therefore believes that the uses and development proposed in SEA 01-M-010, as shown on the SE Plat and as conditioned, satisfy all of the General Special Exception Standards.

The proposed car wash is a Category 5 Special Exception. The service station/mini-mart and fast food restaurant are Category 6 Special Exceptions because the property lies within a Highway Corridor Overlay District. Additional standards that apply the Category 6 SE are discussed below in the review of Sect. 9-611.

*Category 5 Standards (Sect. 9-503)*

The Category 5 Standards require that the proposed development meet lot size and bulk requirements for the Zoning District, comply with performance standards, and be subject to site plan review. The proposed use meets these standards, as grandfathered under Sect. 2-405.

*Additional Standards for Automobile Oriented Uses, Car Washes, ... Fast Food Restaurants, ... and Service Station/Mini-Marts (Sect. 9-505)*

For districts where these uses are permitted by special exception, Paragraph 1A states that the use must have the same architectural features on all sides, or be compatible with the building group or neighborhood. Development along this portion of Columbia Pike consists of individual uses oriented to the highway. This development does not have a "closely related building group or neighborhood." With the original SE, the applicant agreed to a condition tying the design of the structure to drawings that showed a peaked roof and attractive design, and no changes are proposed to the architecture with the addition of the fast food restaurant use to the existing building. The architecture remains as shown in Attachment A of Appendix 1. This standard has been addressed.

Paragraph 1B requires the use to be designed so that pedestrian and vehicular circulation is coordinated with adjacent properties. The previously approved interparcel access points to the east and west, to allow for coordinated vehicular access and sidewalks are maintained with this request. This standard has been addressed.

Paragraph 1C requires the site be designed to minimize the potential for turning movement conflicts, and to facilitate safe and efficient on-site circulation. No modifications are proposed to the previously approved site layout, which funnels the trips through the site in a circular pattern, and allows a patron to move safely between the three activity centers, (parking for the mini-mart/fast food, the gas pumps, and the car wash), and which provides for sufficient stacking area on-site for the car wash, even at periods of highest use. This standard has been addressed.

Paragraph 1D states that a lot must be of sufficient area and width to accommodate the use, and that the proposed use not adversely affect any nearby existing or planned residential areas. Although the lots to the north are residentially zoned, they are vacant and planned for retail and office uses. This standard has been addressed.

In the C-5 and C-6 Districts, Paragraph 3A also requires that there be no outdoor storage or display of goods for sale other than that permitted at a service station or service station/mini-mart. A development condition explicitly imposes this restriction. With the imposition of this condition, this standard has been addressed.

Paragraph 3B requires that service station/mini-marts not be used for the performance of major repairs, and includes limitations on the outdoor storage of abandoned, wrecked or inoperable vehicles on the site. No such uses are proposed for this site, and a development condition specifically addresses the storage of inoperable vehicles. This standard has been addressed.

*Provisions for Approving ... Fast Food Restaurants, ... Service Stations and Service Station/Mini-Marts in a Highway Corridor Overlay District (Sect. 9-611)*

Sect. 9-611 states that “[t]he Board may approve a special exception for the establishment or for the enlargement, extension, relocation or increase in intensity of a ... service station/mini-mart in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.”

Sect. 7-608 imposes additional use limitations on uses including service station/mini-marts in the Highway Corridor Overlay District. Such uses should be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties, and so as to impede traffic on a public street intended to carry through traffic. The SE Plat continues to show the previously approved interparcel access points to the east and west that would allow patrons to visit multiple establishments without having to enter and exit Columbia Pike and gain access to a median break to travel east on Columbia Pike. Pedestrian access was significantly enhanced on the site with the streetscape project put in place by the county (with contribution from this property during the previous review). Staff believes the use limitations of Sect. 7-608 have been met.

### **Summary of Zoning Ordinance Provisions**

All applicable standards have been satisfied with the proposed development conditions.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff believes that the replacement of some of the existing mini-mart floor area with a limited fast food restaurant counter will not have a negative impact, so long as the number of seats are limited as proposed in the development conditions (maximum of 5 seats). Additionally, staff has proposed a number of development conditions which will improve the landscaping and screening on the site. Therefore, staff believes that, with the imposition of the proposed development conditions, the request is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

### **Recommendation**

Staff recommends approval of SEA 01-M-010 subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a waiver of the service drive requirement on Columbia Pike.

Staff recommends approval of a modification of the transitional screening requirement on the northern boundary in favor of 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.

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. Plat and conditions: SE 01-M-010
5. Notice of Violation
6. Plan Citations and Land Use & Environmental Analysis
7. Transportation Analysis
8. Applicable Zoning Ordinance Provisions
9. Glossary

**PROPOSED DEVELOPMENT CONDITIONS****SEA 01-M-010****April 2, 2008**

If it is the intent of the Board of Supervisors to approve SEA 01-M-010 located at 5842 Columbia Pike, Tax Map 61-2 ((17)) (A) 17A, previously approved for a service station/mini mart and car wash, to permit the addition of a fast food restaurant pursuant to Sect. 4-504, Sect. 7-607 and Sect. 9-622 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions, those conditions carried forward from the previous approval are marked with an asterisk (\*):

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land. \*
2. This Special Exception Amendment 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 Amendment 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 "Skyline Amoco" prepared by David B. Friend consisting of one sheet dated December 12, 2000 revised through June 4, 2001, and stamped "for parking tab only" by John F. Souser on October 25, 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. Architecture and architectural materials shall be generally as shown on Attachment 1 of these conditions, as determined by DPWES. \*
5. Irrespective of that shown on the SE Plat, no less than two (2) seats and no more than five (5) seats shall be provided for the fast food use, including both counter and table seats.
6. Prior to issuance of a Non-Residential Use permit, all dead or dying landscaping on-site, as determined by Urban Forest Management and including along the Columbia Pike frontage, shall be replaced to the satisfaction of UFM.
7. Prior to issuance of a Non-Residential Use permit, additional shrubs and ground level plantings shall be provided in the landscape strip along the Columbia Pike frontage, as determined appropriate by UFM.

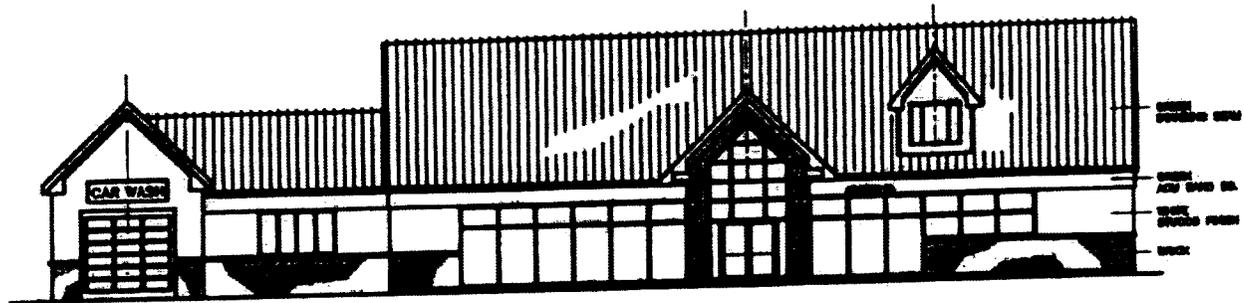
8. Prior to issuance of a Non-Residential Use permit, a solid wood fence shall be provided in place of the existing chain link fence along the northern property boundary.
9. All lighting, including canopy, security, pedestrian and/or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance. Outdoor lighting fixtures used to illuminate the parking area shall not exceed 14 feet in height. Lights located in the service station canopy shall be recessed in design. Illumination of the area beneath the service station shall not exceed an average of 30 foot candles. \*
10. The streetscape design and materials on Columbia Pike shall meet the standards and specifications of the streetscape as outlined in the Comprehensive Plan for the Baileys Crossroads CBC, as determined by DPWES. \*
11. No major vehicular repairs shall occur on the property. \*
12. No abandoned, wrecked, or inoperable vehicles shall be stored outdoors on the property. \*
13. All parking shall be on-site. No vehicles shall be stored on the site overnight. \*
14. Prior to site plan approval, a Phase I Environmental investigation of the property shall be submitted to DPWES for review. DPWES may request other Fairfax County or State agencies to evaluate the report findings. The investigation shall be generally consistent with the procedures described by the American Society of Testing and Materials (ASTM). 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. \*
15. 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. \*
16. Public access easements shall be provided for the interparcel access points to the east and west, and across the travel aisle connecting the two. \*
17. A copy of the Special Exception conditions and the Non-residential Use Permit shall be posted in a conspicuous place on the property, and shall be made available to all departments of the County of Fairfax during the hours of operation. \*

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.

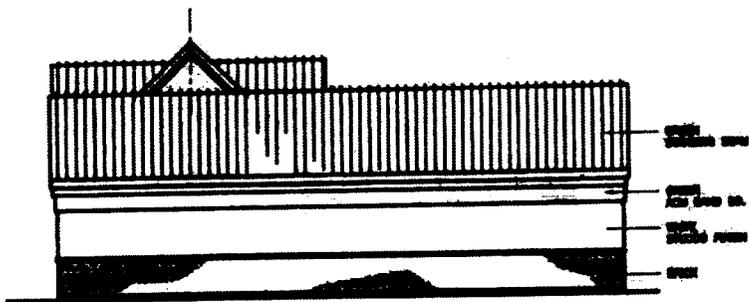
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established 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, at a minimum, the use has been established by issuance of a new Non-residential Use Permit. 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.

Building Elevations



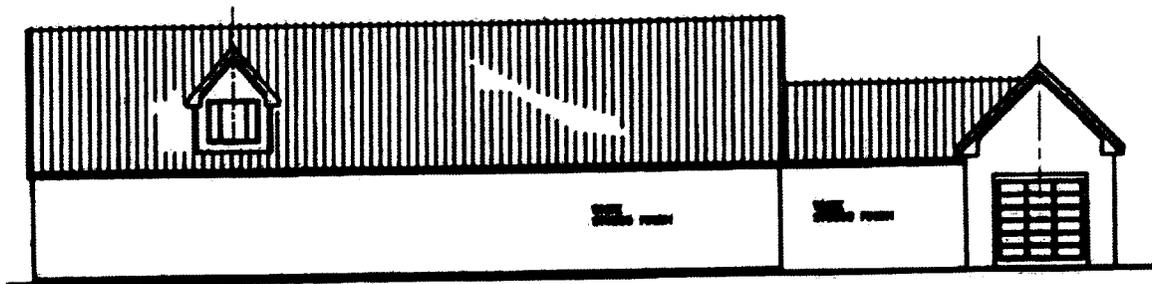
FRONT ELEVATION  
01/13/19



LEFT END ELEVATION



RIGHT END ELEVATION



REAR ELEVATION  
01/13/19

**SKYLINE AMOCO**  
5842 COLUMBIA PIKE  
FALLS CHURCH, VIRGINIA  
**PRELIMINARY**

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 11/25/08  
 (enter date affidavit is notarized)

I, Bayan F. Abu-Jamous, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)             applicant  
                               applicant's authorized agent listed in Par. 1(a) below      48328a

in Application No.(s): SEA 01-M-010  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Skyline Amoco, LLC, trading as Discount Gas	5842 Columbia Pike Falls Church, VA 22041	Applicant/Lessee
Premium Oil Company, LLC	5842 Columbia Pike Falls Church, VA 22041	Co-Title Owner
East Coast Oil Limited Liability Company	5842 Columbia Pike Falls Church, VA 22041	Co-Title Owner
Bayan Abu-Jamous	5646 Tower Hill Circle Alexandria, VA 22315	Agent for Applicant/Title Owners
Ashraf M. Masoud	5652 Tower Hill Circle Alexandria, VA 22315	Agent for Applicant/Title Owners

(check if applicable)             There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: 11/25/08
(enter date affidavit is notarized)

98328a

for Application No. (s): SEA 01-M-010
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

Premium Oil Company, LLC
5842 Columbia Pike
Falls Church, VA 22041

DESCRIPTION OF CORPORATION: (check one statement)

- [x] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Bayan F. Abu-Jamous, Sole Member and Manager

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Special Exception Attachment to Par. 1(b)**

DATE: 1/25/08  
(enter date affidavit is notarized)

98328a

for Application No. (s): SEA 01-M-010  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

East Coast Oil Limited Liability Company  
5842 Columbia Pike  
Falls Church, VA 22041

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Ashraf M. Masoud, Sole Member and  
Manager

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Skyline Amoco, LLC, trading as Discount Gas  
5842 Columbia Pike  
Falls Church, VA 22041

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Bayan F. Abu-Jamous, Member/Manager  
Ashraf M. Masoud, Member/Manager

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 1/25/08  
(enter date affidavit is notarized)

98328a

for Application No. (s): SEA 01-M-010  
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

(check if applicable) [ ] The above-listed partnership has no limited partners

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 1/25/08  
(enter date affidavit is notarized)

98328a

for Application No. (s): SEA 01-M-010  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 1/25/08  
(enter date affidavit is notarized)

018328a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

NONE

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) Bayan Abu-Jamous [ ] Applicant [x] Applicant's Authorized Agent ✓

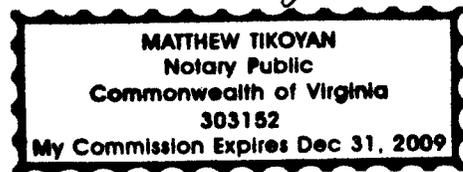
BAYAN ABU-JAMOUS

(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 25<sup>th</sup> day of Jan. 2008, in the State/Comm. of Virginia, County/City of Fairfax.

Matthew Tikoyan  
Notary Public

My commission expires: 12/31/09



**SPECIFIC EXCEPTION STATEMENT OF JUSTIFICATION**

Description of proposed use, and other pertinent data, including the following:

- A. Type of Operation — Service Station/Car Wash/ Mini Mart/Fast Food Restaurant.
- B. Hours of Operation: *(6:00 a.m. to 12:00 p.m.)*
- C. Estimated Number of patrons: *200,000.00 per annum*      *600-600 Per Day*
- D. Proposed number of employees: *6-8*
- E. Estimated Traffic Impact of the Proposed Use, including the Maximum of expected trip generation and the distribution of such trips and mode and time of day:
- F. Vicinity and General area to be served by the use: *Baileys Crossroads, Virginia/ West bound traffic on Columbia Pike.*
- G. Description of building, façade and architecture of proposed new building or Additions: *All previously approved as constructed by Fairfax County.*
- H. Hazardous or toxic substances etc: *None known.*
- I. The Limited Food Service provision was constructed (apparently incorrectly) pursuant to Special Exception SE-01-M-010 dated July 1, 2001, to permit the serving of fast food in an area for patrons to sit at tables and chairs and consume the food that was purchased. Unfortunately, until the receipt of the letter the Department of Planning and Zoning, County of Fairfax, dated August 17, 2007, were we aware that any violation of the Special Exception had occurred.

All of the plans were prepared in accordance with the Special Exception were construed to have been approved for a building and premises for combination service station and limited retail sales of food and other items with a gross floor area of 2,500 square feet excluding any automotive service or repair areas.

It was our further understanding that as long as all of the approved uses were connected by party walls to form one continuous structure and not as a separate structure or conducted as a sole and separate business at the service station or car wash.



# FAIRFAX COUNTY

APPENDIX 4

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

August 1, 2001

Muhammad Alhussein  
Skyline Amoco  
5842 Columbia Pike  
Falls Church, Virginia 22041

RE: Special Exception Application  
Number SE 01-M-010

Dear Mr. Alhussein:

At a regular meeting of the Board of Supervisors held on July 9, 2001, the Board approved Special Exception Application Number SE 01-M-010 in the name of Muhammad Alhussein (Skyline Amoco), located at 5842 Columbia Pike, Tax Map 61-2 ((17)) (A) 17A, for a service station/mini mart and car wash pursuant to Sections 4-504 and 7-607 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 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 "**Skyline Amoco**" prepared by David B. Friend consisting of one sheet dated December 12, 2000

revised through June 4, 2001, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

4. Architecture and architectural materials shall be generally as shown on Attachment 1 of these conditions, as determined by DPWES.
5. All lighting, including security, pedestrian and/or other incidental lighting, shall feature full cut-off fixtures and be directed downward to prevent off-site glare. Outdoor lighting fixtures used to illuminate the parking area shall not exceed 14 feet in height. Lights located in the service station canopy shall be recessed in design. Illumination of the area beneath the service station not exceed an average of 30 foot candles.
6. Any right-of-way and/or ancillary easements required for County Project #8911 (Bailey's Crossroads Streetscape Phase I) shall be provided to the County in fee simple.
7. The streetscape design and materials on Columbia Pike shall meet the standards and specifications of the streetscape as outlined in the Comprehensive Plan for the Baileys Crossroads CBC, as determined by DPWES.
  - (a) If the application development is completed after County Project #8911, the applicant shall reimburse the County for the cost of streetscape materials used on the property frontage.
  - (b) If the application development is completed prior to County Project #8911, the Office of Capital Facilities, Planning and Design Division, of DPWES shall review and approve all streetscape plans to ensure the design and materials used are in accordance with the County Streetscape Plan. This shall include items such as lights, brick paver sidewalk, and landscaping (including tree species).
8. No major vehicular repairs shall occur on the property.
9. No abandoned, wrecked, or inoperable vehicles shall be stored outdoors on the property.
10. All parking shall be on-site. No vehicles shall be stored on the site overnight.
11. Prior to site plan approval, a Phase I Environmental investigation of the property shall be submitted to DPWES for review. DPWES may request other Fairfax County or State agencies to evaluate the report findings. The investigation shall be generally consistent

with the procedures described by the American Society of Testing and Materials (ASTM). 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.

12. 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.
13. Public access easements shall be provided for the interparcel access points to the east and west, and across the travel aisle connecting the two.
14. A copy of the Special Exception conditions and the Non-residential Use Permit shall be posted in a conspicuous place on the property, and shall be made available to all departments of the County of Fairfax during the hours of operation.

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.

**The Board also:**

- **Waived the service drive requirement along Columbia Pike.**
- **Modified the transitional screening requirement on the northern property boundary in favor of that shown on the Special Exception Plat.**

SE 01-M-010  
August 1, 2001

- 4 -

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/ns

**Attachment**

cc: Chairman Katherine K. Hanley  
Supervisor - Mason District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
John Crouch, Assistant Chief, PPRB, DPZ  
Audrey Clark, Director, BPRD, DPWES  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Robert Moore, Trnsprt'n. Planning Div., Department of Transportation  
Charles Strunk, Project Planning Section, Department of Transportation  
Michelle A. Brickner, Director, Site Development Services, DPWES  
Kenny King, Proffer Administrator, Plans & Document Control, OSDS DPWES  
Department of Highways, VDOT  
Land Acq. & Planning Div., Park Authority  
District Planning Commissioner

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING  
AUG 2 2001

ZONING EVALUATION DIVISION







# County of Fairfax, Virginia

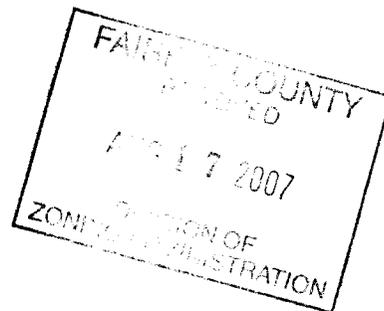
To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

August 17, 2007

## NOTICE OF VIOLATION

### SHERIFF'S LETTER

East Coast Oil Limited Liability Company  
 Attention: Ashraf M. Masoud, Registered Agent  
 5652 Tower Hill Circle  
 Alexandria, Virginia 22315



Re: 5842 Columbia Pike  
 Tax Map Ref.: 61-2 ((17)) (A) 17A  
 Legal Description: Courtland Park, Pt. Lots 17, 18, and 19, Blk. A  
 Zoning District: C-5, CRD, SC, HC  
 Special Exception: SE 2001-M-010

Dear Mr. Masoud:

On July 9, 2001, the Board of Supervisors approved Special Exception Application Number SE 2001-M-010 in the name of Muhammad Alhusein (Skyline Amoco) at the above referenced location. A service station/mini mart and car wash was permitted pursuant to Sections 4-504 and 7-607 of the Fairfax County Zoning Ordinance.

A zoning inspection of the above-referenced property conducted on April 24, 2007, revealed that "X-Roads Grille" is preparing and selling food from the above-referenced property, as well as an area for dining purposes. The definition of a service station/mini mart does not provide for this use. Article 20 of the Fairfax County Zoning Ordinance defines a service station/mini mart as:

Building and premises for a combination service station and retail sales of food and other items, with the building area limited to a maximum gross floor area of 2500 square feet, excluding any automotive service or repair areas. In addition, there may be fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. Sales of alcoholic beverages, rental of video tapes and video cassette recorders, and the preparation of food, other than that allowed in a Limited Food-Service Establishment pursuant to Chapter 43.1 of The Code, shall not be permitted; provided, however, that the use of microwave ovens by customers for purchased food items is allowed. A service station

Department of Planning and Zoning  
 Zoning Administration Division  
 Zoning Enforcement Branch  
 12055 Government Center Parkway, Suite 829  
 Fairfax, Virginia 22035-5508  
 Phone 703-324-1300 FAX 703-324-1343  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

East Coast Oil Limited Liability Company  
Attention: Ashraf M. Masoud, Registered Agent  
August 17, 2007  
Page 2

with retail sales of food and/or other items in excess of 2500 square feet of gross floor area, exclusive of automotive service or repair areas shall be deemed a service station and quick-service food store.

Therefore, the use of this property contrary to SE 2001-M-010 is in violation of Par. 2 of Sect. 9-004 of the Zoning Ordinance which states:

No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been approved by the Board and the use has been established in accordance with the provisions of Article 9.

You are, hereby, directed to clear this violation within thirty (30) days of receipt of this notice. Compliance can be accomplished by:

- Complying with the definition of service station/mini mart as defined above, and
- Complying with the conditions of the Approved Special Exception Application Number SE 2001-M-010, or
- Ceasing, on a permanent basis, any non-permitted or non-approved use of the above referenced property.

A follow-up inspection will be made at the expiration of this time. Failure to comply, with this Notice, **shall** result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a **\$375.00** filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

East Coast Oil Limited Liability Company  
Attention: Ashraf M. Masoud, Registered Agent  
August 17, 2007  
Page 3

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1478 or (703) 324-1300.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Collingsworth". The signature is written in a cursive style and is positioned to the right of the word "Sincerely,".

Rebecca Collingsworth  
Property Maintenance\Zoning Enforcement Inspector

RC/seg



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** February 25, 2008

**TO:** Regina Coyle, Director  
Zoning Evaluation Division, DPZ

**FROM:** Pamela G. Nee, Chief *PGN*  
Environment and Development Review Branch, DPZ

**SUBJECT:** Land Use Analysis and Environmental Assessment: SEA 01-M-010  
Discount Gas

The memorandum, prepared by Jennifer Bonnette, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject Special Exception Amendment (SEA) application dated October 25, 2007. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested.

### DESCRIPTION OF THE APPLICATION

The applicant, Discount Gas, requests a special exception amendment to permit an existing use not approved under a special exception issued in 2001. The amendment is for a fast food restaurant located in a 2,500 square foot building also containing a mini mart on a property with a service station and car wash. No changes are proposed on site.

### LOCATION AND CHARACTER OF THE AREA

The subject property is located in the Baileys Crossroads Community Business Center on Columbia Pike to the west of the interchange with Route 7, Leesburg Pike. The land fronting on Columbia Pike has numerous highway-oriented commercial and light industrial uses, many of which have been in existence for many years. The intensity of these uses is generally low even though the activity level may be fairly intense because of their automobile orientation. There are various residential communities that are adjacent to these commercial uses. Most of these are developed with older, single-family detached dwellings. Streetscaping improvements were completed recently along Columbia Pike as part of a Fairfax County pilot project, which has greatly improved the appearance of this commercial strip.

**Department of Planning and Zoning**  
Planning Division

12055 Government Center Parkway, Suite 730

Fairfax, Virginia 22035-5509

Phone 703-324-1380

Fax 703-324-3056

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

## COMPREHENSIVE PLAN CITATIONS:

### Land Use

In the Fairfax County Comprehensive Plan, 2007 Edition, Area I, Baileys Planning District, Baileys Crossroads Community Business Center, Land Unit A, Sub-units A-3 and A-4, as amended through September 11, 2006, pages 30 to 31, the Plan states:

#### “LAND UNIT A

Land Unit A is located in the western quadrant of Baileys Crossroads and is bounded by Leesburg Pike to the north and Columbia Pike to the south. The Courtland Park Neighborhood Improvement District, a single-family residential neighborhood planned at 2-3 du/ac, and the multi-family Culmore area, planned at 16-20 du/ac, form the residential edge. Dominant features of this area include the community-serving Culmore and Baileys Crossroads Shopping Centers.

The remaining portions of Land Unit A are developed as neighborhood- serving office and retail uses, except between Washington Drive and Payne Street, and west of Courtland Drive, where more intensive office uses are located.

Within the overall Concept for Future Development for Baileys Crossroads, the following recommendations apply to specific sub-units of Land Unit A:...

#### Sub-Unit A-3

The focus of this sub-unit is the Baileys Crossroads Shopping Center, located directly west of the Columbia Pike/Leesburg Pike interchange. Revitalization of the existing shopping center which may include expansion and redevelopment within the sub-unit should provide facade renovation, parking lot landscaping, coordinated signage, and coordinated access points along Leesburg and Columbia Pikes. This sub-area is planned for community-serving retail and office uses up to .35 FAR.

As an option, retail and office mixed use up to .50 FAR may be considered provided that consolidation of all parcels within the sub-unit occurs, access points to Leesburg and Columbia Pikes are consolidated, and a buffer with appropriate landscaping and a solid wall is provided as a transition to adjacent residential or institutional uses. As a further option, Parcels 61-2((17)) (A)17-18 and 35-36 may be considered for townhouse-style residential use at 8-12 du/ac, or Parcels 61-2((17))(A)17-18 for townhouse-style office use up to .35 FAR, if these parcels are consolidated with adjacent parcels in Sub-Unit A-4 planned for similar use, and access to Columbia Pike is minimized.

#### Sub-Unit A-4

Within this sub-unit, Parcels 61-2((17))(E)1A-5 and 61-2((17))(A)19-21 are developed with and planned for neighborhood-serving retail uses. Parcels 61-2((17))(A)23-34 are planned for office use at the current intensity. To provide a transition between the stable single-family residential neighborhood to the west and north, the remainder of this sub-unit is planned for residential use at 4-5 du/ac.

As an option, townhouse-style residential use at 8-12 du/ac may be considered for this sub-unit provided that logical consolidation is achieved, vehicular access to Columbia Pike is minimized, and access to redeveloped parcels is provided via median breaks. As a further option, townhouse-style office use up to .35 FAR may be appropriate for those parcels within the sub-unit that front on Columbia Pike provided that, in addition to the above conditions, a buffer consisting of a solid wall, landscaping, and setback area is provided as a transition to adjacent residential uses.”

**COMPREHENSIVE PLAN MAP: Retail & Other**

**LAND USE ANALYSIS**

The existing uses do not pose any significant land use issues. However, much of the vegetation on the site is in poor condition, including one of the two shade trees along Columbia Pike. The vegetation should be replaced with healthy plantings. The large landscape strip along Columbia Pike should be enhanced with additional shrubs and other plantings. In addition, as was recommended in the original special exception, a solid fence should be installed along the northern boundary of the site to provide a buffer to the adjacent property which is planned for office use.

**ENVIRONMENTAL ANALYSIS**

There are no environmental issues with this application.

PGN: JRB



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** January 05, 2008

**TO:** Regina Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver, Chief  
Site Analysis Section  
Department of Transportation

**FILE:** 3-5 (SE 01-MA-010)

**SUBJECT:** Transportation Impact

**REFERENCE:** SEA 01-MA-010; Discount Gas – 5842 Columbia Pike  
Traffic Zone: 1420  
Land Identification Map: 61-2 ((17)) (A) 17A

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated December 1, 2000. The applicant proposes to amend SE 01-M-10 previously approved for a service station, mini mart and car wash to permit a fast food restaurant.

The parking places beside the vacuum and trash containers are not ideally located, but as the station has been operating with this configuration for some time it is not a significant issue.

AKR/LAH/lah

cc: Michelle Brickner, Director, Office of Site Development Services, DPW&ES

**9-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it 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. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

**9-503 Standards For All Category 5 Uses**

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

- 1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
- 2. All uses shall comply with the performance standards specified for the zoning district in which located.
- 3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

**9-505 Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Banks, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts**

1. In all districts where permitted by special exception:
  - A. Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.
  - B. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.
  - C. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
  - D. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.
  - NA E. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.
- NA 2. In the C-3 and C-4 Districts, in addition to Par. 1 above:
  - A. All such uses, except drive-in banks, shall be an integral design element of a site plan for an office building or office building complex containing not less than 35,000 square feet of gross floor area.
  - B. Such a use shall have no separate and exclusive curb cut access to the abutting highway.
  - C. There shall be no outside storage or display of goods offered for sale.
  - D. Service stations shall not include any ancillary use such as vehicle or tool rental, and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.
  - E. Service stations shall not be used for the performance of major repairs, and

shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

3. In the C-5 and C-6 Districts, in addition to Par. 1 above:
- A. There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.
  - B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be store outdoors for a period exceeding seventy-two hours.
- NA 4. In the C-7, C-8 and C-9 Districts, in addition to Par. 1 above:
- A. In the C-7 or C-9 District, there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.
  - B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
  - C. The outdoor area devoted to any use such as vehicle or tool rental shall be limited to the area so designated on an approved special exception plat.
- NA 5. In the I-3, I-4, I-5 and I-6 Districts, in addition to Par. 1 above:
- A. All such uses, except drive-in banks, shall be an integral design element of a site plan for an industrial building or building complex containing not less than 30,000 square feet of gross floor area.
  - B. In an I-3 or I-4 District, there shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station.

- C. In an I-3 or I-4 District, service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
- D. No Building Permit shall be approved for such a use unless a Building Permit has been approved for the related industrial building(s).
- E. The outdoor area devoted to any use such as vehicle or tool rental shall be limited to that area so designated on an approved special exception plat.

**NA** 6. In the PDH and PDC Districts, in addition to Par. 1 above:

- A. In the PDH District, fast food restaurants may be permitted only in accordance with the provisions of Sect. 6-106 and the following:
  - (1) Such use may be permitted only upon a finding by the Board that the planned development is of sufficient size to support the proposed use, and that the use is designed to serve primarily the needs of the residents of the development.
  - (2) Such use shall be designed and located so as to maintain the intended secondary nature of the use, and so that the associated impacts, including but not limited to associated on-site and off-site vehicular traffic, noise, odors, and visual impact, will not adversely affect the residential character of the development and surrounding properties.
  - (3) All direct vehicular access to the use shall be provided via the internal circulation system of a commercial area of the PDH development, which commercial area shall contain not less than three (3) non-automobile-related commercial establishments.
  - (4) The proposed development shall provide clearly designated pedestrian facilities for safe and convenient access from surrounding residential and commercial uses.
- B. In the PDC District, fast food restaurants may be permitted only in accordance with the provisions of Sect. 6-206.

**9-611 Provisions for Approving Drive-In Banks, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Station/Mini-Marts in a Highway Corridor Overlay District**

The Board may approve a special exception for the establishment or for the enlargement, extension, relocation or increase in intensity of a drive-in bank, fast food restaurant, quick-service food store or service station or service station/mini-mart in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.

**7-608 Use Limitations**

All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and, in addition, drive-in banks, fast food restaurants, quick-service food stores, service stations and service station/mini-marts shall be subject to the following use limitations:

1. In any Highway Corridor Overlay District:



A. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.



B. Such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means may be given favorable consideration:

(1) Access to the site is provided by a public street other than one intended to carry through traffic, and/or

(2) Access to the site is provided via the internal circulation of a shopping center, which center contains at least six (6) other commercial uses, or an office complex having a limited number of well-designed access points to the public street system and no additional direct access is provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, and/or

(3) Access to the site is provided by a functional service drive, which provides controlled access to the site.



C. There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.

NA 2. Where the underlying district is C-2, C-3 or C-4, in addition to Par. 1 above:

A. Service stations shall not include any uses such as vehicle or tool rental.

- B. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.



3. Where the underlying district is C-5 or C-6, in addition to Par. 1 above:

- A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

NA

4. Where the underlying district is C-7, C-8, C-9, I-3 or I-4, in addition to Par. 1 above:

- A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

NA

5. Where the underlying district is I-5 or I-6, in addition to Par. 1 above:

- A. Service stations and service station/mini-marts shall not be used for the performance of major repairs.



## GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBA:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architctural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		