



# County of Fairfax, Virginia

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

January 16, 2008

John Manganello, P.E.  
Land Development Consultants, Incorporated  
10805 Main Street, Suite 700  
Fairfax, Virginia 22030

Re: Special Exception Application SE 2007-MA-019

Dear Mr. Manganello:

At a regular meeting of the Board of Supervisors held on January 7, 2008, the Board approved Special Exception Application SE 2007-MA-019 in the name of Motiva Enterprises, LLC. The subject property is located at 5533 Backlick Road on approximately 1.01 acres of land zoned I-5 and HC in the Mason District [Tax Map 80-2 ((7)) Z1 and Z2]. The Board's action permits a service station in a Highway Corridor Overlay District and waiver of the minimum open space requirement pursuant to Sections 5-504, 7-607, and 9-612 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 "Special Exception Plat - Springfield Shell", prepared by Land Development Consultants, Inc., consisting of 6 sheets dated January 3, 2007 as revised through September 28, 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.

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**Office of the Clerk to the Board of Supervisors**  
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4. No outdoor storage or display of goods other than those permitted for sale at a service station shall be allowed.
5. The existing gravel lot on Tax Map 80-2 ((7)) Z2 may be used for employee and overflow parking. No abandoned, wrecked or inoperable vehicles shall be stored outdoors on the property.
6. Existing lighting, including streetlights, security lighting, signage lighting, and pedestrian or other incidental lighting may remain. All new and replacement outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.
7. Right of way sufficient for the future installation of a trail for public use along the entire frontage of Backlick Road and Industrial Road that measures a minimum of 10 feet in width within a 12 foot trail easement shall be dedicated upon demand at no cost to the County in fee simple to the Board of Supervisors and in a form reviewed and approved by the Fairfax County Attorney's Office. The final location and size of the trail shall be determined by DPWES.
8. Any improvements which encroach within the future trail right of way on Backlick Road and Industrial Road shall be removed at no expense to the County and prior to dedication of the right of way.

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:

- Directed the Director of the Department of Public Works and Environmental Services to waive the requirement for construction of the trail in favor of the right-of-way dedication, subject to the proposed Development Conditions.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/dms:ds

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