



# County of Fairfax, Virginia

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

August 8, 2008

Loretta Kurlich  
Sunoco, Inc.  
1735 Market Street, Suite LL  
Philadelphia, PA 19103-7583

Re: Interpretation for SE 95-Y-071, Sunoco Store #7667 West Ox Road,  
Tax Map: 56-1 ((13)) 1: Alcohol Sales

Dear Ms. Kurlich:

This is in response to your letter of June 4, 2008, requesting an interpretation of the Special Exception (SE) development conditions approved by the Board of Supervisors in conjunction with the approval of SE 95-Y-071. As I understand it, your question is whether Development Condition #6 prohibits the sale of beer and/or wine packaged goods for consumption off-premises. Copies of your letter and relevant documents are attached for your reference.

Development Condition #6 was imposed by the Board of Supervisors with their approval of the Special Exception for the service station, quick service food store, and car wash. The development condition states: *"Any food sales deemed to be a fast food operation by Zoning Ordinance definition may only be permitted as an accessory use to the quick service food store and no seating shall be provided. The sale of alcoholic beverages shall be prohibited."*

The definition of quick service food store contained in the Zoning Ordinance states that a quick service food store *"...is used for the retail sale of food and or food and other items."* The definition is silent on what specific items may or may not be sold. Therefore, with approval of a quick service food store, or any other special exception use, pursuant to Sect. 9-007 of the Zoning Ordinance, the Board of Supervisors may impose such conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of the Ordinance and to protect the viability of the implementation of the adopted Comprehensive Plan.

The language of Development Condition #6 is very clear. It states that "The sale of alcoholic beverages shall be prohibited." Therefore, it is my determination that Development Condition #6 prohibits the sale of beer and/or wine packaged goods. Approval of an amendment to the Special Exception by the Board of Supervisors to remove the development condition would be required to permit any sale of alcoholic beverages at this site.

Loretta Kurlich  
Page 2

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Mary Ann Godfrey at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director  
Zoning Evaluation Division, DPZ

O:\ARC\mgodfr\SE Interpretations\Sunoco (SE 95-Y-071)alcohol sales.doc

#### Attachments

cc: Pat Herrity, Supervisor, Springfield District  
Peter Murphy, Planning Commissioner, Springfield District  
Diane Johnson Quinn, Deputy Zoning Administrator, DPZ  
Kenneth Williams, Plan Control, Office of Land Development Services, DPWES  
Angela Rodeheaver, Section Chief for Site Analysis, DOT  
Assad Ayoubi, Acting Director, Environmental and Facilities Inspection Division, DPWES  
Kevin Guinaw, Chief, Special Projects/Applications Acceptance Branch, DPZ  
File: SE 95-Y-071, SEI 0806 029, Imaging, Reading File



**Sunoco, Inc.**  
1735 Market Street Ste LL  
Philadelphia PA 19103-7583

June 4, 2008

**VIA FACSIMILE 703-324-3924**

Regina Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035-5505

**Re: Request for Interpretation – *Sale of Alcoholic Beverages***

Dear Ms. Coyle:

I have been working with Brian Parsons with the Zoning Administration Division who has provided me with information concerning zoning restrictions applicable to certain Sunoco retail service stations with APlus convenience stores (Sunoco APlus) located in Fairfax County, Virginia, and operated by Sunoco, Inc. (R&M) ("Sunoco").

The restriction for which I am requesting an interpretation prohibits the sale of alcoholic beverages at the retail premises. Please refer to the attached spreadsheet prepared by Brian Parsons on behalf of Sunoco. See, for example, Approved Development Condition #6 SE-95-Y-071 for a Sunoco APlus located at 4647 West Ox Road, which specifically prohibits the sale of alcoholic beverages from the service station or quick service food store.

Question: Does the prohibition against the "*sale of alcoholic beverages*" preclude the "*sale of beer and/or wine packaged goods for consumption off-premises*" pursuant to a validly issued Virginia Department of Alcoholic Beverage Control license?

If you have any questions about this request for interpretation, please call me at (215) 977-6076 or send a facsimile to 877-405-8001. We greatly appreciate your consideration of Sunoco's request. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Loretta Kurlich".  
Loretta Kurlich

Attachment

cc: B. Chong, Esquire

## ZONING RESTRICTIONS FOR SELECTED SUNOCO SERVICE STATIONS RELATIVE TO THE OFF-PREMISE SALE OF BEER AND

SITE	TAX MAP	ZONING	USE	ZONING APPROVAL	APPROVED DEVELOPMENT CONDITIONS	NECESSARY ACTION
SUNOCO Store #7665 10619 Braddock Rd.	68-1 ((1)) pt. 9	C-6	Service station/quick-service food store	SEA 82-A-019-3 Approved by BOS 8/3/87	SEA 82-A-019-3 approved development Condition #6 limits type of food sold in quick service food store & does not include beer & wine	Amend SEA 82-A-019-3 to wine from quick-service food list.
SUNOCO Store #7667 4647 West Ox Rd.	56-1 ((13)) 1	C-8, WS	Service station, car wash & quick-service food store	RZ 95-Y-056  PCA 74-2-112  PCA 87-S-023-2	Approved Proffered Development Conditions  Approved Proffered Development Conditions  Approved Proffered Development Conditions	Need to request a substantiated from the Zoning Evaluation quick-service food store with conformance with approved. If not, then amend approved SEA-95-Y-071 to include a quick-service food store food list.
SUNOCO Store #7668 13300 Franklin Farm Rd.	35-1 ((4)) (22) 4	PDH-2, WS	Service station/mini-mart	RZ 78-C-118 Approved by BOS on 10/22/79 FDPA 78-C-118-14 Approved by PC on 7/17/03	Approved Proffered Development Conditions  Approved Final Development Plan Amendment (FDPA)	Need to request a substantiated from the Zoning Evaluation quick-service food store with conformance with approved. If not, then amend approved FDPA to include sales of the quick-service food store.
SUNOCO Store #7670 10701 Leesburg Pk.	12-3 ((1)) 18A	C-5	Service station/mini-mart, vehicle light service, car wash	SEA 80-C-142 Approved by BOS on 4/28/97	SEA 80-C-142 approved development conditions do not prohibit beer and wine sales, however, site was approved as a mini-mart not quick service store	Amend SEA 80-C-142 to wine from quick-service food store
SUNOCO Store #7674 1957 Chain Bridge Rd.	29-4 ((1)) 16	C-8, HC, WS	Service station	SE 85-P-067 Approved by BOS on 11/25/85	SE 85-P-067 did not authorize a mini-mart or a quick-service food store at the property	Amend SE 85-P-67 to include wine from quick-service food store to site with SE

Legend: SEA = Special Exception Amendment; RZ = Rezoning Application; PCA = Proffered Condition Amendment; BOS = Board of Supervisors; PC = Planning Commission

O:\bparso\sunoco table.doc 4/28/08



# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 500  
Fairfax, Virginia 22035-0007

V I R G I N I A

July 28, 1999

Telephone: 703-324-3111

FAX: 703-324-3900

TTY: 703-324-3900

Marie B. Travesky  
Travesky and Associates  
3900 Jermantown Road - Suite 300  
Fairfax, Virginia 22030

RE: Special Exception  
Number SE 95-Y-071  
(Concurrent with PCA 87-S-023-2,  
RZ 95-Y-056, and PCA 74-2-112)

Dear Ms. Travesky:

At a regular meeting of the Board of Supervisors held on July 12, 1999, the Board approved Special Exception Number SE 95-Y-071 in the name of Mobil Oil Corporation, located at Tax Map 56-1 ((13)) 1, for a service station, quick service food store and car wash pursuant to Section 4-804 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 Management (DPWES). Any plan submitted pursuant to this Special Exception shall be in conformance with the approved Generalized Development Plan/Special Exception Plat entitled "Mobil Service Station #16-B2W" consisting of four sheets and prepared by Walter L. Phillips, Inc. which is dated January 9, 1998 and revised through May 7, 1999 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. The hours of operation for the car wash shall be limited to 8:00 AM to 10:00 PM.
5. The building shall be constructed with similar building materials and architectural treatments on all four sides and shall be of an architectural style that will be compatible with the adjacent Windsor Mews. Building materials such as face brick, architectural precast stone, wood/vinyl siding or other building material which is residential in character shall be utilized to complement the adjacent Windsor Mews townhouse community.
6. Any food sales deemed to be a fast food operation by Zoning Ordinance definition may only be permitted as an accessory use to the quick service food store and no seating shall be provided. The sale of alcoholic beverages shall be prohibited.
7. Lighting underneath the canopy shall be flush mounted and feature full-cutoff shielding so that all glare is minimized and directed downward with no glare emitting above the horizontal plane. The fascia of the canopy shall not be lighted. The light standards shown at each entrance to the site shall not exceed 12 feet in height and shall be of a shoe box design utilizing full-cut off shielding. Any building mounted security lighting shall also provide for full cut-off shielding.
8. At least 80% of the wastewater generated by the car wash shall be recycled.
9. In addition to the proposed underground stormwater detention system, appropriate Best Management Practices (BMP) measures such as an infiltration trench or sand filter system shall be provided, if required by DPWES.
10. If required by Virginia Department of Transportation (VDOT) or DPWES, the applicant shall construct a right-turn lane along West Ox Road to serve the site entrance.
11. Landscaping treatment similar to that shown along West Ox Road and Piney Branch Road as determined by the Urban Forester shall be provided in the open space area located east of the Piney Branch Road entrance which is subject to PCA 87-S-023-2.
12. The freestanding sign proposed for the corner of Piney Branch and West Ox Roads shall be in conformance with the illustrative shown on Sheet 4 of the Generalized Development Plan/Special Exception (GDP/SE) Plat. No pole mounted signs shall be permitted. All other signage shall be in accordance with the provisions of Article 12 of the Zoning Ordinance.

SE 95-Y-071  
July 28, 1999

- 3 -

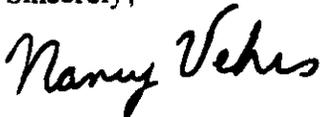
13. The property shall be monitored at least once a day to ensure that trash and debris are collected so as not to result in an unsightly appearance.

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 itself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established 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 development conditions:

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

SE 95-Y-071  
July 28, 1999

- 4 -

cc: Chairman Katherine K. Hanley  
Supervisor-Sully District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Frank Jones, Assistant Chief, PPRB, DPZ  
Audrey Clark, Chief, Inspection Svcs., BPRB, DPW&ES  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Robert Moore, Trnsprt'n. Planning Div., Office of Transportation  
Ellen Gallagher, Project Planning Section, Office of Transportation  
Michelle A Brickner Acting Director, Site Development Services, DPW&ES  
DPW&ES - Bonds & Agreements  
Department of Highways, VDOT  
Land Acq. & Planning Div., Park Authority  
District Planning Commissioner

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING  
AUG 2 1999

ZONING EVALUATION DIVISION

**REZONING APPLICATION /  
RZ 95-Y-056**

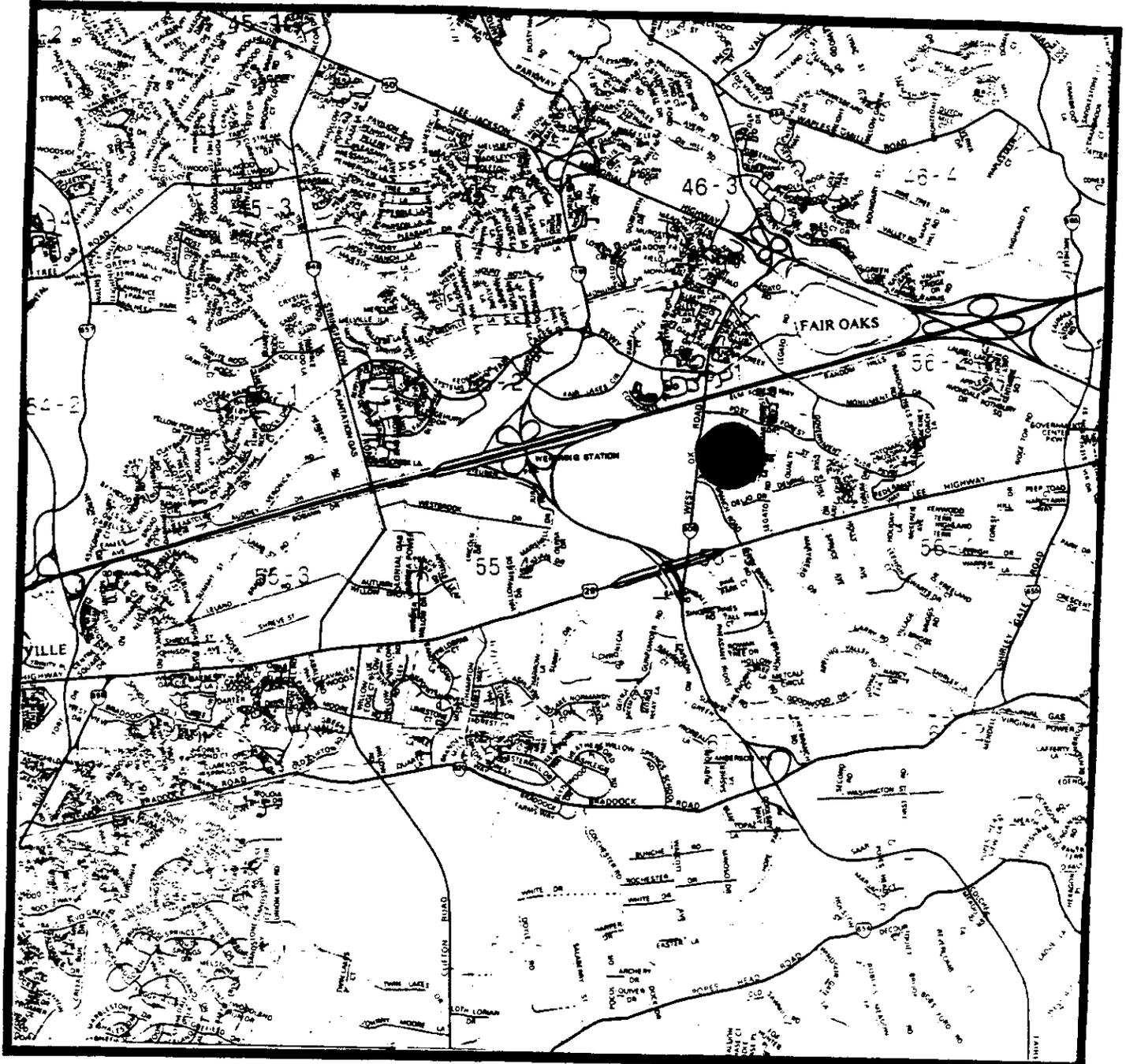
**SPECIAL EXCEPTION APPLICATION  
SE 95-Y-071**

RZ 95-Y-056  
FILED 11/15/95 AMENDED 4/1/99

MOBIL OIL CORPORATION  
TO REZONE: 1.12 ACRES OF LAND; DISTRICT - SULLY  
PROPOSED: REZONE FROM THE I-5 DISTRICT TO THE C-8 AND  
I-5 DISTRICTS TO PERMIT COMMERCIAL DEVELOPMENT  
LOCATED: WEST OX ROAD AT INTERSECTION WITH PINEY  
BRANCH ROAD  
ZONING: I-5 I-5  
TO: C-8  
OVERLAY DISTRICT(S): WS  
056-1- /13/ /0001-  
MAP REF

AMENDED 4/1/99

SE 95-Y-071  
FILED 1/23/98  
AMENDED 12/11/98  
MOBIL OIL CORPORATION  
TO PERMIT SERVICE STATION/QUICK SERVICE FOOD STORE  
WITH FAST FOOD RESTAURANT AND CAR WASH  
AND WAIVER OF MIN. LOT WIDTH REQUIREMENT  
ZONING DIST SECTION: 4-804  
ART 9 CATEGORY/USE: 05-33 05-11 5-03  
1.12 ACRES OF LAND; DISTRICT - SULLY  
LOCATED: WEST OX ROAD AT ITS INTERSECTION WITH  
PINEY BRANCH  
ZONED: C-8  
OVERLAY DISTRICT(S): WS  
MAP REF 56-1 ((13)) 1



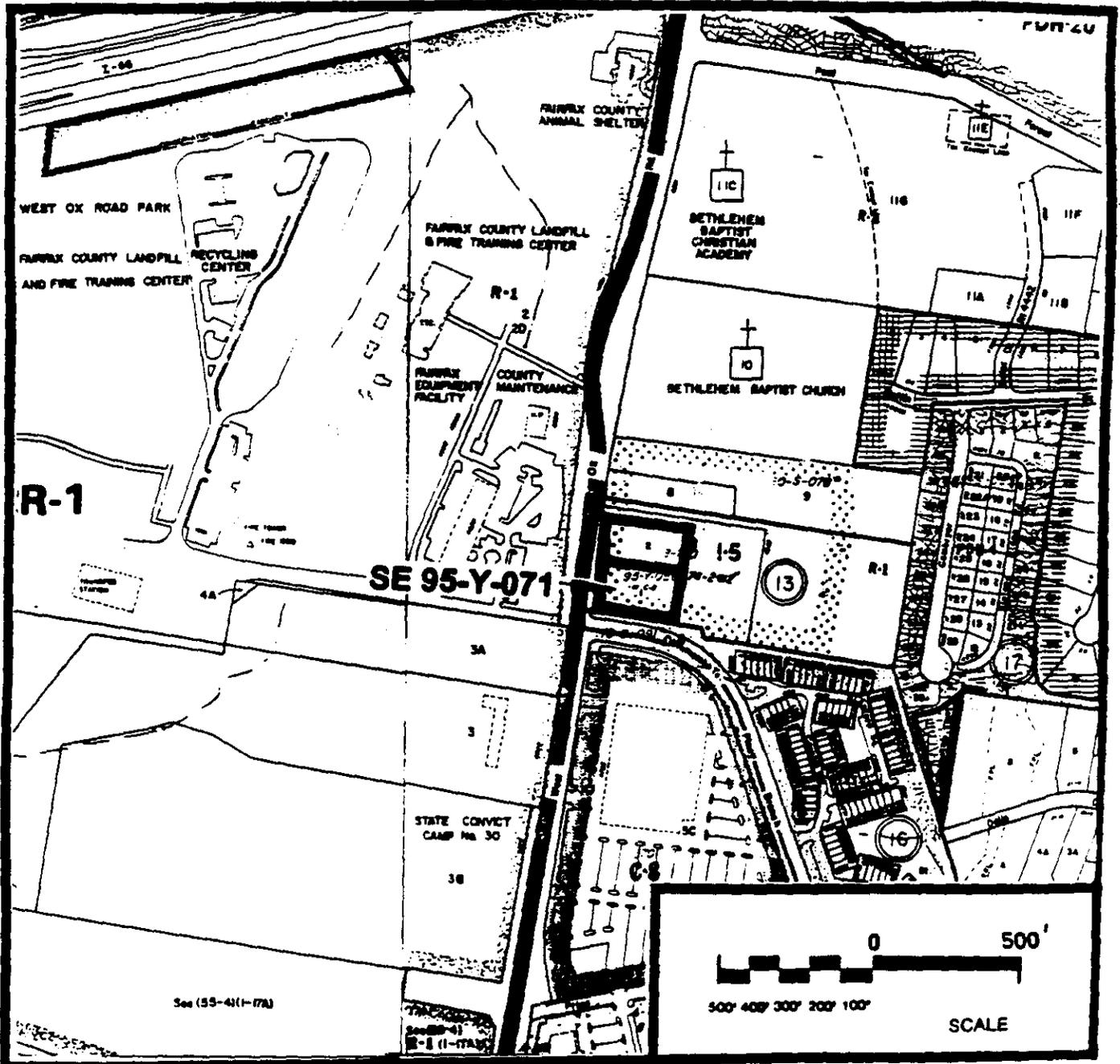
**REZONING APPLICATION /  
RZ 95-Y-056**

**SPECIAL EXCEPTION APPLICATION  
SE 95-Y-071**

RZ 95-Y-056  
FILED 11/15/95 AMENDED 4/1/98

MOBIL OIL CORPORATION  
TO REZONE: 1.12 ACRES OF LAND; DISTRICT - SULLY  
PROPOSED: REZONE FROM THE I-5 DISTRICT TO THE C-8 AND  
I-5 DISTRICTS TO PERMIT COMMERCIAL DEVELOPMENT  
LOCATED: WEST OX ROAD AT INTERSECTION WITH PINEY  
BRANCH ROAD  
ZONING: I-5 I-5  
TO: C-8  
OVERLAY DISTRICT(S): WS  
056-1- /13/ /0001-  
MAP REF

AMENDED 4/1/98  
SE 95-Y-071 MOBIL OIL CORPORATION  
FILED 2/23/98 TO PERMIT SERVICE STATION/QUICK SERVICE FOOD STO  
WITH FAST FOOD RESTAURANT AND CAR WASH  
AND WAIVER OF MIN. LOT WIDTH REQUIREMENT  
ZONING DIST SECTION: 4-884  
AMENDED ART 9 CATEGORY/USE: 05-33 05-11 5-03  
12/11/98 1.12 ACRES OF LAND; DISTRICT - SULLY  
LOCATED: WEST OX ROAD AT ITS INTERSECTION WITH  
PINEY BRANCH  
ZONED: C-8  
OVERLAY DISTRICT(S): WS  
MAP REF 56-1 ((13)) 1



# PROFFERED CONDITION AMENDMENT

## PCA 74-2-112

## PCA 87-S-023-02

PCA 74-2-112

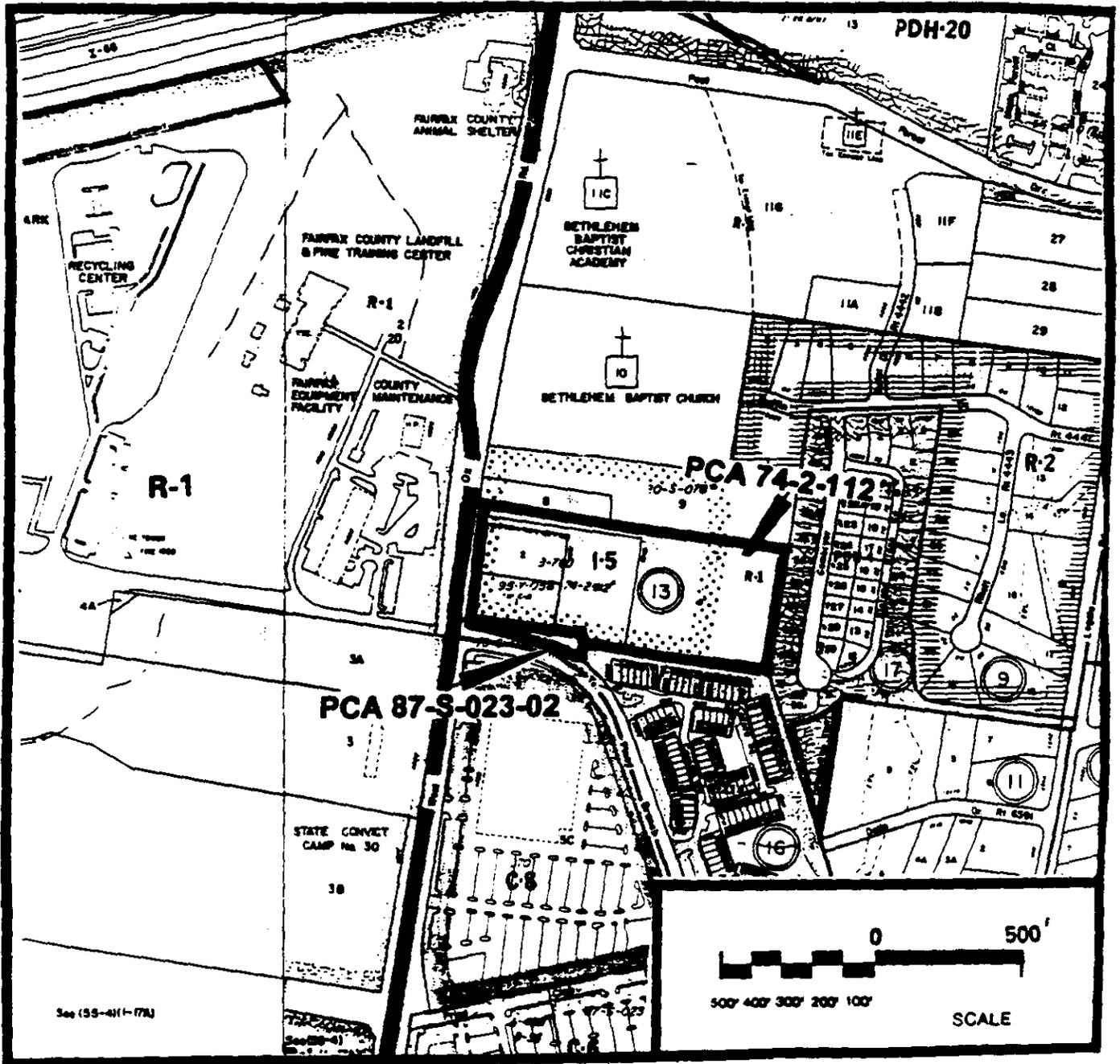
FILED 11/15/95 AMENDED 4/1/99

MOBIL OIL CORPORATION  
PROFFERED CONDITION AMENDMENT  
PROPOSED: COMMERCIAL DEVELOPMENT  
APPROX. 9.35 ACRES OF LAND; DISTRICT - SULLY  
LOCATED: WEST OX ROAD AT INTERSECTION WITH PINEY  
BRANCH ROAD  
ZONING: R-1 I-5  
OVERLAY DISTRICT(S): WS  
MAP REF 056-1- /13/ /0001-0002-,0003-,0004-

PCA 87-S-023 -02

FILED 12/11/98

MOBIL OIL CORPORATION  
PROFFERED CONDITION AMENDMENT  
PROPOSED: COMMERCIAL DEVELOPMENT  
APPROX. 0.28 ACRES OF LAND; DISTRICT - SULLY  
LOCATED: INTERSECTION OF WEST OX ROAD AND PINEY BRA  
ROAD  
ZONING: C-6  
OVERLAY DISTRICT(S): WS  
056-1- /16/ / -81  
MAP REF



# PROFFERED CONDITION AMENDMENT

## PCA 74-2-112

## PCA 87-S-023-02

PCA 74-2-112

FILED 11/15/95 AMENDED 4/1/99

MOBIL OIL CORPORATION  
PROFFERED CONDITION AMENDMENT  
PROPOSED: COMMERCIAL DEVELOPMENT  
APPROX. 9.35 ACRES OF LAND; DISTRICT - SULLY  
LOCATED: WEST OX ROAD AT INTERSECTION WITH PINEY  
BRANCH ROAD  
ZONING: R-1 I-5  
OVERLAY DISTRICT(S): WS  
MAP REF 056-1- /13/ /0001-0002- ,0003- ,0004-

PCA 87-S-023 -02

FILED 12/11/98

MOBIL OIL CORPORATION  
PROFFERED CONDITION AMENDMENT  
PROPOSED: COMMERCIAL DEVELOPMENT  
APPROX. 0.28 ACRES OF LAND; DISTRICT - SULLY  
LOCATED: INTERSECTION OF WEST OX ROAD AND PINEY BRANC  
ROAD  
ZONING: C-6  
OVERLAY DISTRICT(S): WS  
056-1- /16/ / -B1  
MAP REF

