



# FAIRFAX COUNTY

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**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

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May 30, 2001

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

RE: Special Exception Application  
Number SE 00-V-031  
(Concurrent with PCA 89-V-059)

Dear Ms. Travesky:

At a regular meeting of the Board of Supervisors held on May 21, 2001, the Board approved Special Exception Application Number SE 00-V-031 in the name of Tosco Refining LP, located on the north side of Ox Road, opposite its intersection with Palmer Drive, Tax Map 106-2 ((1)) Pt. 9 for use as a service station and quick service food store pursuant to Section 4-604 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat 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 Proffer Condition Amendment/Special Exception Plat entitled "Mobil Station Village Center at Route 123" prepared by Charles P. Johnson Associates, Inc. and dated January 13, 2000, as revised through January 30, 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. A copy of this Special Exception SHALL BE POSTED in a conspicuous place on the property, along with the Non-Residential Use Permit and shall be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.
5. The applicant shall provide and maintain landscaping along Ox Road and Tax Map 106-2 ((1)) 8 to the west in substantial conformance with the Proffer Condition Amendment/Special Exception (PCA/SE) Plat. The landscaping shall be subject to approval by the Urban Forester and shall be installed prior to issuance of a non-residential use permit (Non-RUP).
6. Until such time VDOT or the County requires the interparcel access to be constructed as required by Proffer 11 associated with RZ 89-V-059, the applicant shall maintain the easement as landscaped open space. The landscaping in the easement shall be a continuation of the proposed landscaping and shall be in substantial conformance with the type of plantings of the landscaping shown on Sheet 2 of the Proffer Condition Amendment/Special Exception (PCA/SE) Plat, as determined by the Urban Forester. The landscaping shall be subject to approval by the Urban Forester and shall be installed prior to issuance of a Non-RUP, unless the easement is required for interparcel access prior to issuance of the Non-RUP.
7. The applicant shall be responsible for the replacement of any damaged landscaping as a result of the widening of Route 123. Any damaged landscaping shall be replaced to the satisfaction of the Urban Forester within six months of the completion of the widening of Route 123, in accordance with Sheet 2 of the PCA/SE Plat.
8. The architectural facade for all sides of the proposed building and canopy shall be in substantial conformance with the elevations on Sheets 4 and 5 of the PCA/SE Plat. The building and canopy architectural materials and features shall be consistent with the architecture as depicted on the Generalized Development Plan elevations for the Village Center at Route 123 (RZ 89-V-059), as determined by DPWES. The service station/quick service food store shall be built as part of the Village Center at Route 123 shopping center and may not be constructed or operate as a detached pad site.
9. Lighting under the canopy shall not exceed an average illumination level of 30 foot candles (fc) and shall meet the Zoning Ordinance standard that glare shall not cause illumination in the R districts in excess of 0.5 fc. Recessed flush mounted light fixtures shall be used for the canopy. A "skirt" shall be incorporated around the edge of the canopy design to provide additional glare control. (Attachment A) All other lighting shall be shielded and/or feature full cut-off fixtures, including security and pedestrian lights.

10. All rooftop equipment shall be screened from view of the shopping center and adjacent residential districts.
11. All trash dumpster(s) located on the property shall be enclosed by a solid, opaque barrier with a gate, as determined by DPWES.
12. The service station/quick service food store shall have an employee patrol the subject property daily for the collection of trash.
13. There shall be no more than four (4) employees for the service station/quick service food store at any one time.
14. Except for motor vehicle fuel pricing sign, no freestanding identification sign shall be permitted for the site. The motor vehicle pricing sign shall be a brick monument sign in substantial conformance with the elevation on Sheet 2 of the PCA/SE Plat. The motor vehicle pricing sign shall not exceed eight (8) feet in height, including the base, and shall meet the guidelines of Article 4 of Chapter 10 of the Code of Virginia. There shall be no pole mounted signs on the site. There shall be no signage located on the canopy or the cedar shake roof of the service station/quick service food store. Building mounted signs shall be limited to those permitted by Article 12 of the Zoning Ordinance. All signage shall be lighted internally. No flags or banners shall be utilized/displayed on the property.
15. The proposed building shall be limited to twenty (20) feet and the canopy to seventeen (17) feet in height.
16. There shall be no outdoor storage or display of goods offered for sale.
17. There shall be no sale of alcoholic beverages on site.
18. There shall be no performance of major repairs of vehicles and no storage of wrecked or inoperable vehicles on the site for more than seventy-two (72) hours.
19. The maximum hours of operation shall be 6:00 A.M. to 12:00 Midnight.
20. Prior to site plan approval the applicant shall provide documentation to DPWES that they have supplied additional off-site landscaping at 8912 Ox Road (Tax Map 106-2 ((1)) 46) to visually screen that property from the shopping center and service station, pursuant to the agreement with the applicant and the property owner.

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This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

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

- **Modifications of the transitional screening and barrier requirements, and reaffirmed the waived of the service drive requirement along Route 123 in favor of the previously approved barriers and buffers.**
- **Modified the transitional screening requirements and waived the barrier requirements along the western and southern property boundaries of Special Exception SE 00-V-031, in favor of the buffer shown on the Special Exception Plat.**

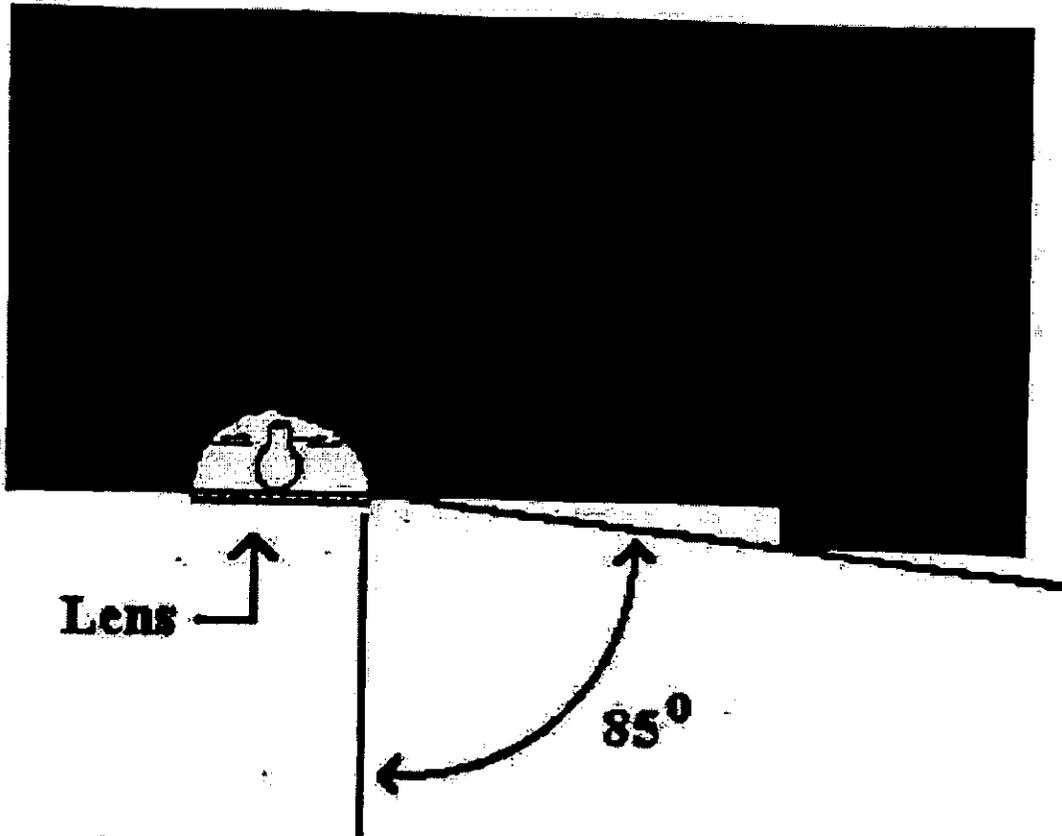
If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055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

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns



ATTACHMENT A

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Attachment

cc: Chairman Katherine K. Hanley  
Supervisor – Mount Vernon 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  
DPWES – Bonds & Agreements  
Department of Highways, VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING

JUN 1 2001

ZONING EVALUATION DIVISION