



APPLICATION ACCEPTED: November 30, 2009  
PLANNING COMMISSION: March 18, 2010  
BOARD OF SUPERVISORS: March 23, 2010  
@ 3:30 pm

# County of Fairfax, Virginia

---

March 3, 2010

## STAFF REPORT

# CRD

APPLICATION SEA 97-M-075

### MASON DISTRICT

**APPLICANT:** Mubarak Corporation, trading as Euromarket Chevron and Route 7-50 Retail, LLC

**ZONING:** C-8, HC, SC, CRD

**PARCELS:** 51-3 ((1)) 33 & 34

**ACREAGE:** 24,520 square feet

**FAR:** 0.07

**OPEN SPACE:** 21% prior to right-of-way dedication  
13% after right-of-way dedication

**PLAN MAP:** Alternative uses

**SE CATEGORY:** Category 6; Service Station/Mini-Mart in a Highway Corridor Overlay District and Waiver of Open Space

**PROPOSAL:** Amend SE 97-M-075, previously approved for a service station/mini-mart in a highway corridor overlay district and a waiver of open space, to permit modifications to conditions relating to signage only

### STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 97-M-075, subject to the proposed development conditions in Appendix 1.

Tracy Strunk

Staff recommends that the previously approved waiver of a service drive along Route 7 be reaffirmed.

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).

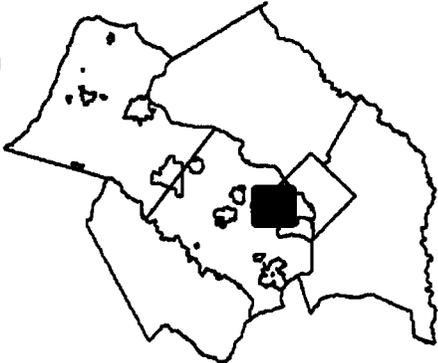
*O:\tswag\Euro Market Chevron SEA 97-M-075\SEA 97-M-075.doc*



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.  
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Exception Amendment

SEA 97-M-075



**Applicant:** MUBARAK CORPORATION, TRADING AS EUROMARKET CHEVRON AND ROUTE 7-50 RETAIL, LLC

**Accepted:** 11/30/2009

**Proposed:** AMEND SE 97-M-075 PREVIOUSLY APPROVED FOR SERVICE STATION MINI MART AND WAIVER OF OPEN SPACE REQUIREMENTS TO PERMIT SITE MODIFICATIONS

**Area:** 24,520 SF OF LAND; DISTRICT - MASON

**Zoning Dist Sect:** 09-0612 07-0607

**Art 9 Group and Use:** 6-09 6-08

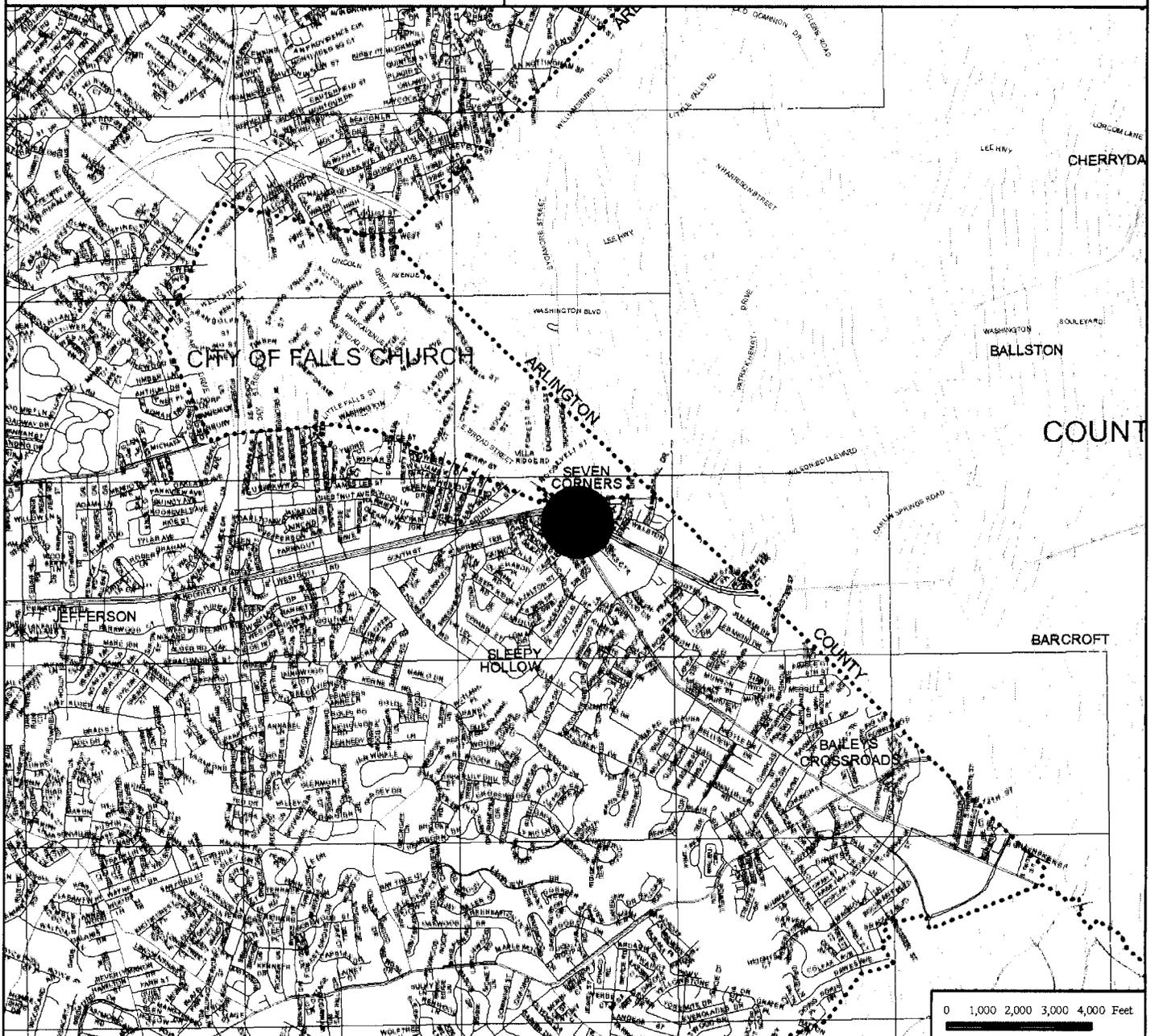
**Located:** 6318 LEESBURG PIKE

**Zoning:** C- 8

**Plan Area:** 1,

**Overlay Dist:** CRD SC HC

**Map Ref Num:** 051-3- /01/ /0033 /01/ /0034



# Special Exception Amendment

SEA 97-M-075

Applicant: MUBARAK CORPORATION, TRADING AS EUROMARKET CHEVRON AND ROUTE 7-50 RETAIL, LLC

Accepted: 11/30/2009

Proposed: AMEND SE 97-M-075 PREVIOUSLY APPROVED FOR SERVICE STATION MINI MART AND WAIVER OF OPEN SPACE REQUIREMENTS TO PERMIT SITE MODIFICATIONS

Area: 24,520 SF OF LAND; DISTRICT - MASON

Zoning Dist Sect: 09-0612 07-0607

Art 9 Group and Use: 6-09 6-08

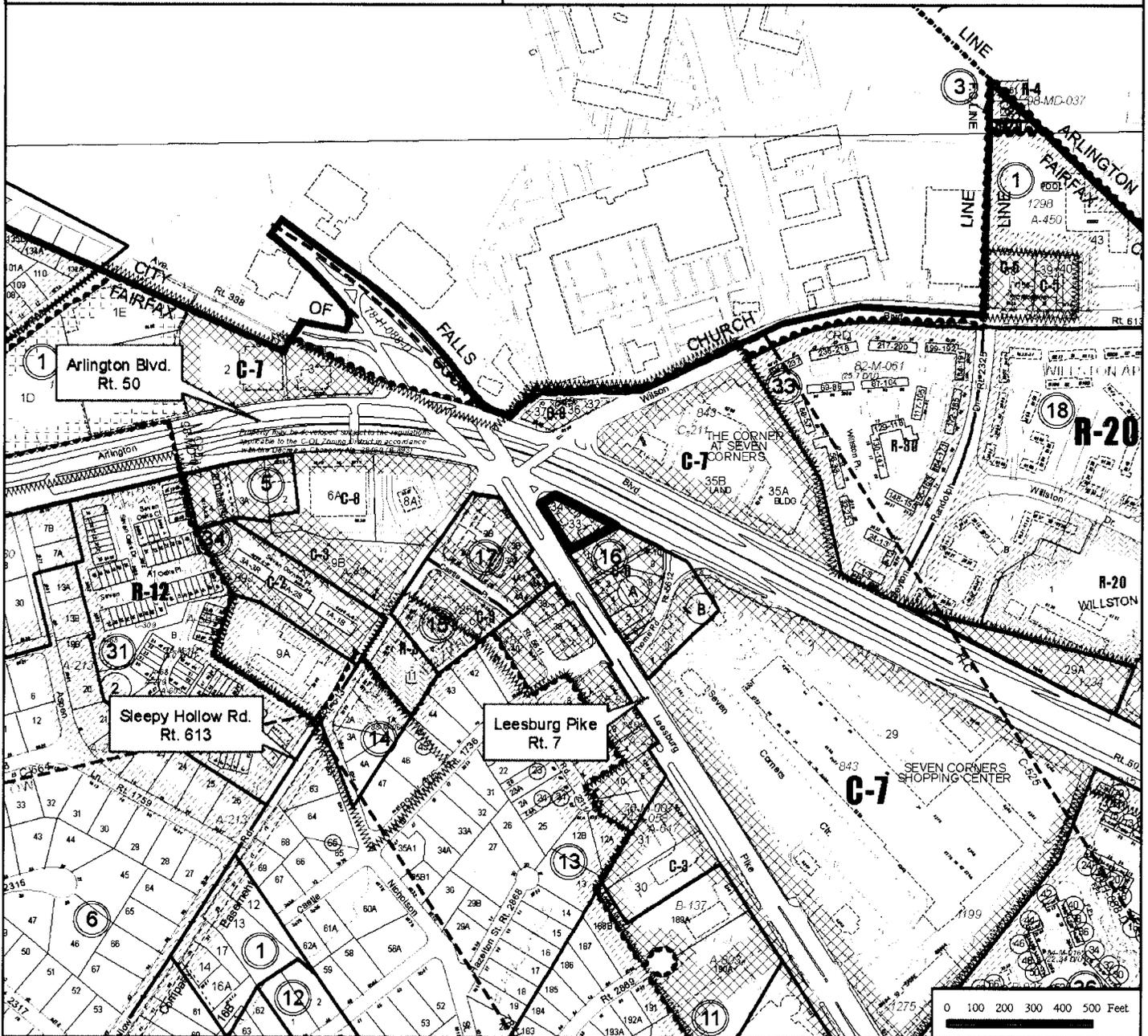
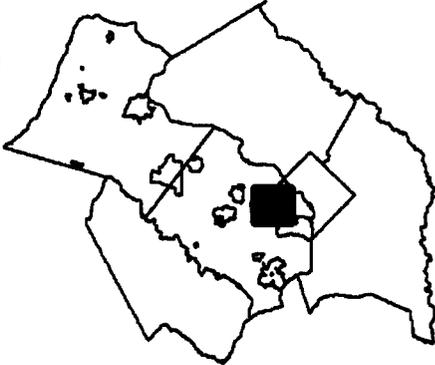
Located: 6318 LEESBURG PIKE

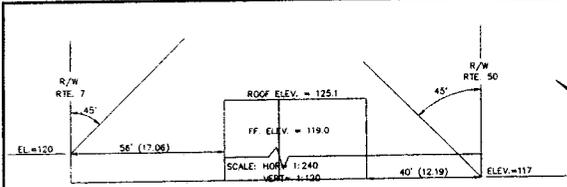
Zoning: C- 8

Plan Area: 1,

Overlay Dist: CRD SC HC

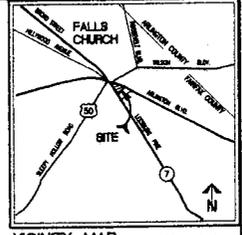
Map Ref Num: 051-3- /01/ /0033 /01/ /0034





**BULK ANGLE DEPICTION**

EXISTING CONTOURS  
PROPOSED CONTOURS



VICINITY MAP SCALE: 1:24000



OFFICE OF COMPREHENSIVE PLANNING  
Zoning Administration Division  
Ordinance Administration Branch  
12955 Commuter Center Parkway, Suite 600  
Falls Church, Virginia 22091-1506  
Tel: (703) 224-1214 Fax: (703) 224-9924

February 24, 1994

Tracy Smith Sutzger  
12900 Clarendon Boulevard  
17<sup>th</sup> Floor  
Arlington, VA 22201-1359  
Tel: (703) 224-1214 Fax: (703) 224-9924

Dear Mr. Schepke:

This is in response to your letter dated February 4, 1994 in four copies in which you requested if the two additional lots were approved by a special exception application whether they would be considered a single corner lot.

In my understanding, the two corner lots, Lot 34 and Lot 33, under different ownership with a corner lot special exception application, are not to be developed as a single corner lot. The special exception application for Lot 33 and Lot 34 is currently pending before the Planning Commission. The Planning Commission has not yet acted on the application. The special exception application for Lot 33 and Lot 34 was submitted to the Planning Commission on February 10, 1994. The Planning Commission will act on the application at its next meeting. The Planning Commission will act on the application at its next meeting. The Planning Commission will act on the application at its next meeting.

Article 20 of the Zoning Ordinance defines a lot, in part, as a parcel of land that is developed as a single corner lot. The Planning Commission has not yet acted on the application. The Planning Commission will act on the application at its next meeting. The Planning Commission will act on the application at its next meeting. The Planning Commission will act on the application at its next meeting.

I am sure that you will be satisfied with the information presented in this letter. Should you require additional assistance, do not hesitate to contact me at (703) 224-1214.

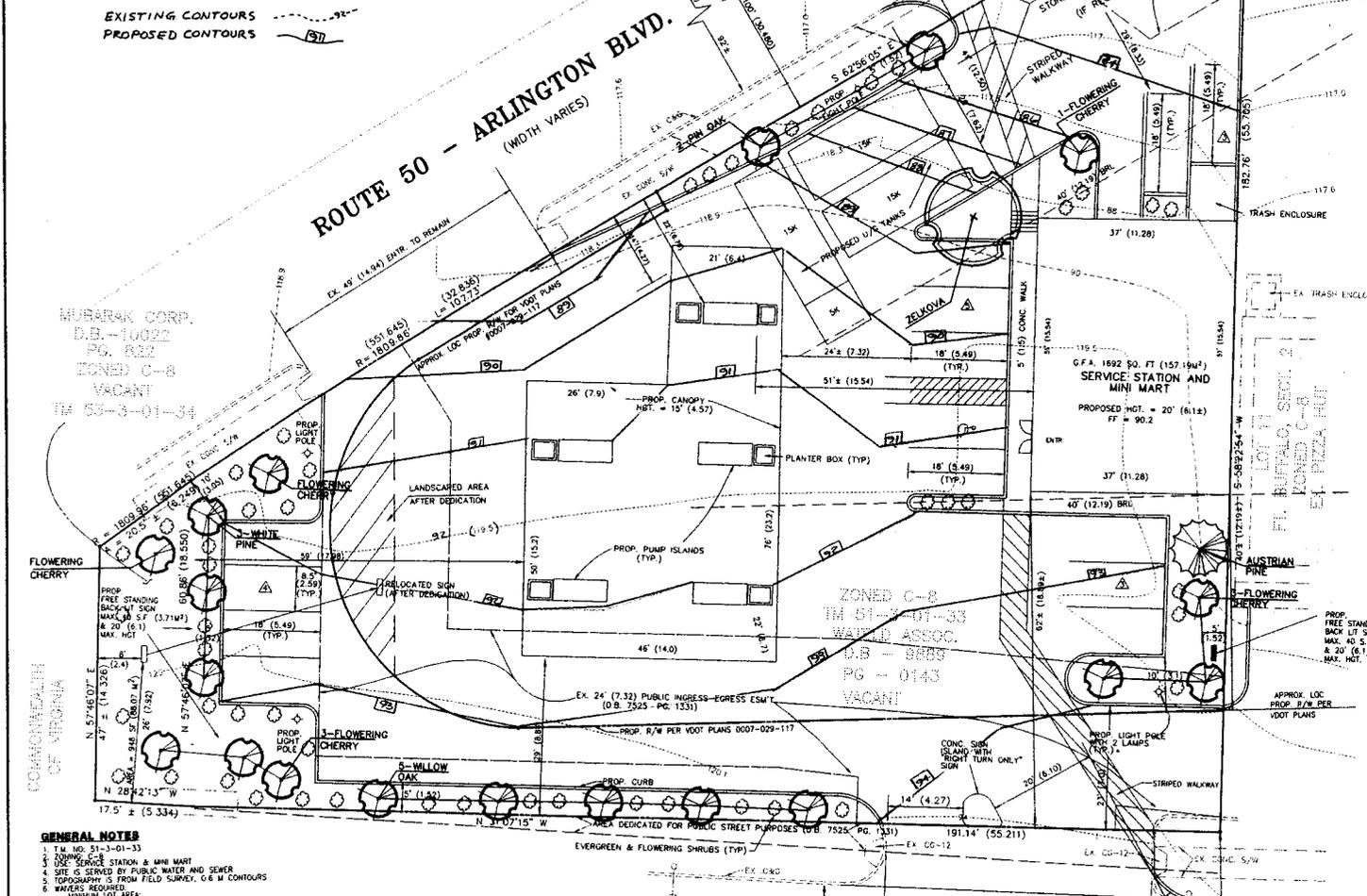
Sincerely,  
Loren Egan  
Senior Assistant to the Zoning Administrator

LK  
cc: Françoise A. Davis, Supervisor  
Marianne D'Amico  
Elaine M. Hill, Deputy Zoning Administrator  
Deborah J. Kline, Deputy Zoning Administrator  
Michael B. Conkling, Deputy Zoning Administrator  
Zoning Planning Division  
Zoning Administration Division

I am sure that you will be satisfied with the information presented in this letter.

Tracy Smith Sutzger  
12900 Clarendon Boulevard  
17<sup>th</sup> Floor  
Arlington, VA 22201-1359  
Tel: (703) 224-1214 Fax: (703) 224-9924

SITE COMPLIANCE WITH ZONING REQUIREMENTS			
TOTAL AREA - PARCELS 33 & 34 INCLUDES AREA AREA PREVIOUSLY DEDICATED FOR PUBLIC STREET & OPEN SPACE - D.B. 7525 PG. 1331	25,454 SF (2364.75 SQ M)	18,112 SF (1682.66 SQ M)	
NET SITE AREA:	24,520 SF (2271.88 SQ M)	18,112 SF (1682.66 SQ M)	
GROSS FLOOR AREA:	1692 SF (156.8 SQ M)	1862 SF (171.8 SQ M)	
FAR:	0.064	0.064	
PARKING REQUIRED - 4.5 SPACES/92.9 SQ M	15	15	
PARKING PROVIDED:	5085 SF (473.5 SQ M)	2330 SF (214.3 SQ M)	
OPEN SPACE PROVIDED:	40 FT (12.19)	40 FT (12.19)	
FRONT - RT 50	40 FT (12.19)	40 FT (12.19)	
FRONT - LT 50	0	0	
FRONT - RT 7	N/A	N/A	
FRONT DIMENSIONS PROVIDED:	40 FT (12.19)	40 FT (12.19)	
FRONT - RT 50	62 FT (18.89)	40 FT (12.19)	
FRONT - RT 7	0	0	
SIZE OF SIGN:	N/A	N/A	
TYPE OF SIGN:	N/A	N/A	



- GENERAL NOTES**
1. T.M. NO. 51-3-01-33
  2. ZONING: ZONED C-8
  3. DISE: SERVICE STATION & MINI MART
  4. SITE IS SERVED BY PUBLIC WATER AND SEWER
  5. TOPOGRAPHY IS FROM FIELD SURVEY, 0.6 M CONTOURS
  6. WALKWAYS REQUIRED
  7. THERE ARE NO STRUCTURES EXISTING ON THIS SITE
  8. THE ENTIRE SITE WILL BE CLEARED
  9. THERE IS NO FLOODPLAIN ON THE SITE OR RESOURCE PROTECTION AREA
  10. THERE ARE NO UTILITY EASEMENTS GREATER THAN 7.62M IN WIDTH LOCATED ON THIS SITE
  11. TO THE BEST OF MY KNOWLEDGE, THERE ARE NO GRAVE SITES ON THIS PROPERTY
  12. STORMWATER MANAGEMENT WILL BE PROVIDED ON-SITE OR A WAIVER OBTAINED
  13. NO PARKING LOT PLANTING OR PERIPHERAL PLANTING REQUIRED PER FAIRFAX COUNTY ZONING ORDINANCE AS PARKING LOT CONTAINS LESS THAN 20 SPACES AND TRANSITIONAL SCREENING IS NOT REQUIRED. 13-106 & 13-107
  14. THERE IS NO TRAIL SIGNAGE ON THIS SITE
  15. SITE LIGHTS: 16 POLE WITH 2-100W IN METAL HALIDE LAMPS

**RT. 7 - LEESBURG PIKE**  
(WIDTH VARIES)



Scale 1 : 120

3015 WILLIAMS DRIVE  
2ND FLOOR  
FAIRFAX, VIRGINIA 22031  
PHONE (703) 698-1600  
FAX (703) 698-4387

**TECH GROUP, INC.**

CONSULTING ENGINEERS ARCHITECTS INTERIORS LANDSCAPE ARCHITECTS

**PLAT FOR SPECIAL EXCEPTION**  
**SERVICE STATION & MINI MART**  
**SEVEN CORNERS**  
MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

REVISIONS

DATE	BY	DESCRIPTION
02/17/94	LK	ISSUED FOR PERMIT
02/17/94	LK	ISSUED FOR PERMIT
02/17/94	LK	ISSUED FOR PERMIT
02/17/94	LK	ISSUED FOR PERMIT
02/17/94	LK	ISSUED FOR PERMIT
02/17/94	LK	ISSUED FOR PERMIT
02/17/94	LK	ISSUED FOR PERMIT
02/17/94	LK	ISSUED FOR PERMIT
02/17/94	LK	ISSUED FOR PERMIT
02/17/94	LK	ISSUED FOR PERMIT

DESIGNED: MCM  
DRAWN: JGA/RM/SGL  
CHECKED: TM  
SCALE: 1:120  
DATE: SEPT. 1997  
JOB NO.: 297009

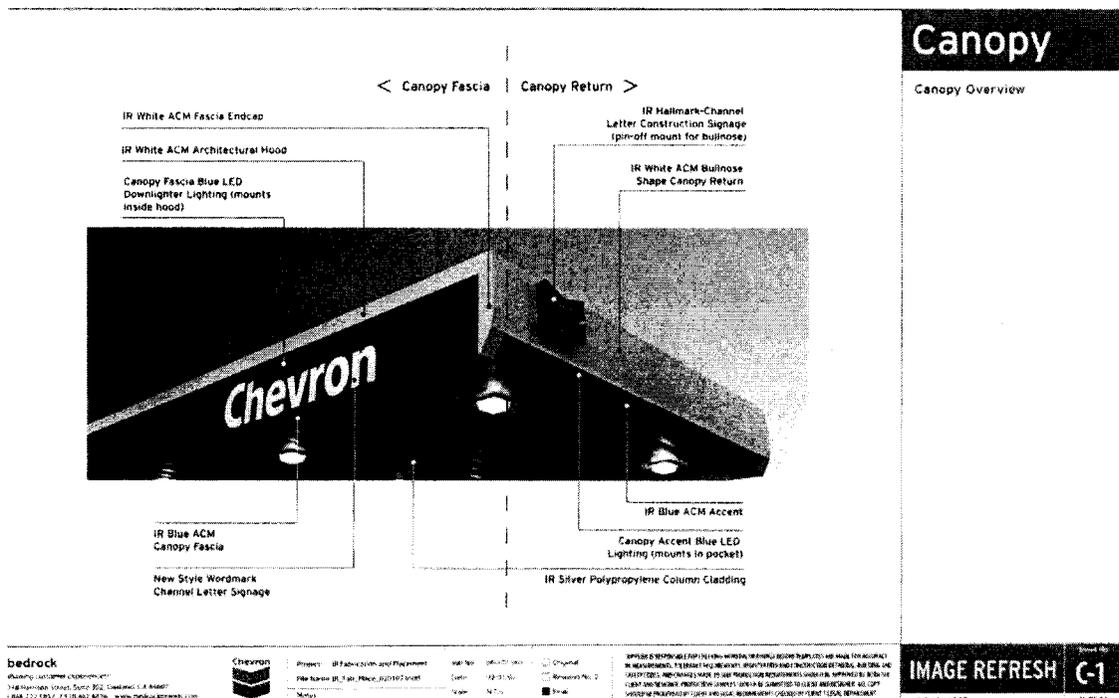
## A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

### DESCRIPTION OF THE APPLICATION

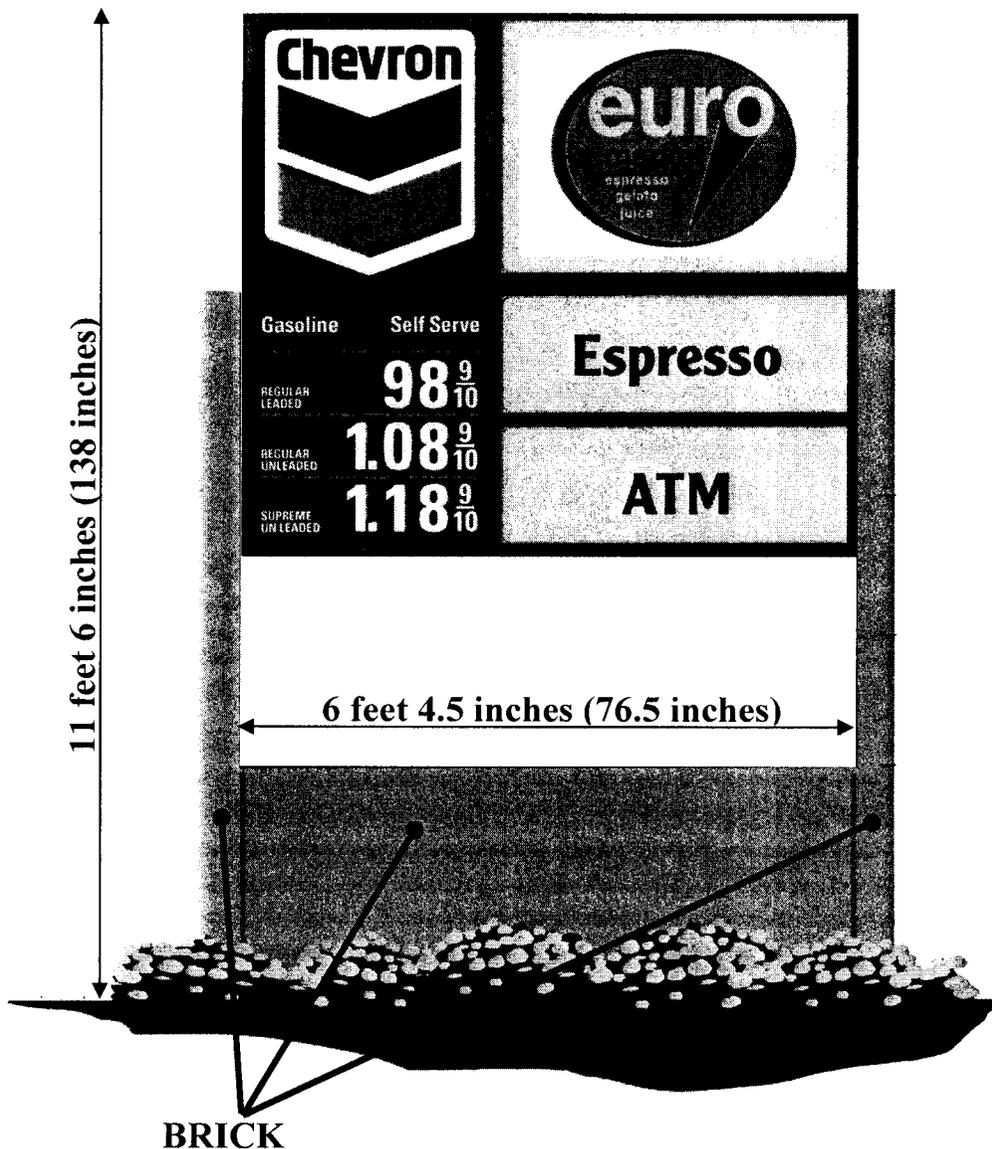
This application is a request to amend SE 97-M-075, previously approved for a service station/mini-mart and a waiver of open space in a highway corridor overlay district to permit modifications to the development conditions relating to signage only. The original SE approval included a condition limiting the finish of the gas canopy façade, and prohibiting lit signage on the canopy, and a condition limiting the free-standing sign on the site to a “monument” style sign. The site was developed in accordance with these conditions, including a free-standing sign on a brick base with a height of 8 feet, 2.5 inches.

The current request is to permit the canopy to be refaced in conformance with current Chevron corporate style (blue façade) with a portion of the canopy signage (the logo) to be internally lit. The request also clarifies the permitted size and height of the free standing sign, which is proposed to be increased in height from the existing 8 feet, 2.5 inches to a maximum of 11.5 feet (the current condition does not actually limit the height, just the style). No other changes are proposed to the site. The request also incorporates a recent interpretation relating to the location of a secondary gas price sign, allowing it to move from the southeastern property line (near Route 7) to the Route 7 frontage where it will be visible.

The following graphics show the proposed canopy fascia and monument sign.



The applicant has indicated that the brick base of the existing sign will be retained, and that the sign panels will be raised as shown. The area below the sign could be left open (as shown in this illustration) or filled in with brick matching the base. The brick pillars along the sides could also be left as shown here, or extended to reach the top of the sign panels (no higher than the maximum height of 11.5 feet). Finally, the base would be redesigned (on at least the side facing the street) as a planter with low shrubs and seasonal flowers.



## LOCATION AND CHARACTER

The subject property is located in the southeast quadrant of the intersection of Route 7 and Route 50, at one of the "corners" in the Seven Corners area (the Route 50 frontage is actually an eastbound service drive/on-ramp). The property is developed with a service station/mini-mart (Euromarket Chevron) with five pump islands with multiproduct dispensers (MPDs). No service bays are provided on the site. The site has one point of access from Route 7 and two points of access from the Route 50 service drive. Two interparcel access travel aisles are also provided, one on each street frontage. A 1,624 square foot service station/mini-market building is located along the southeastern property line.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
<b>Northeast</b> (across Route 50)	Shopping Center (the Corner at Seven Corners)	C-7, CRD, SC, HC	Community Serving Retail Uses
<b>Southeast</b>	Restaurant (the Sunflower)	C-8, CRD, SC, HC	Neighborhood Serving Retail or Office
<b>Southwest</b>	Retail	C-8, CRD, SC, HC	Community Serving Retail Uses or Office

## BACKGROUND

The subject property had been the site of a service station from 1948 until 1984. The service station building was used for offices for two years and then demolished in 1986.

On July 20, 1989, the Board of Zoning Appeals approved VC 89-M-043 to allow the construction of a building for commercial retail uses (a by-right use) to be located 15 feet from a front lot line (Route 50), where 40 feet would otherwise be required. This variance was not implemented and expired.

On June 8, 1998, the Board of Supervisors approved SE 97-M-075; a special exception for a service station/mini-mart in a highway corridor overlay district and a waiver of open space requirements (to permit 13% instead of 15% after right-of-way dedication). This SE was implemented with a building constructed in 2001. See Appendix 4 for approved SE Plat and conditions.

## COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

**Plan Area:** Area I  
**Planning District:** Baileys Planning District;  
 Seven Corners Community Business Center; Land Unit B1  
**Plan Map:** Alternative Uses

Fairfax County Comprehensive Plan, 2007 Edition, Area I, Baileys Planning District, as amended through January 26, 2009, Land Unit B, page 58, states:

### "Sub-Unit B-1

This sub-unit is located immediately adjacent to the Seven Corners intersection and is visually prominent as a gateway to Fairfax County. The area is planned for neighborhood-serving retail or office use up to .35 FAR. As an option, land within this sub-unit may be considered for retail and office mixed use up to .50 FAR if a full consolidation of parcels is achieved.

Drive-through facilities and automobile-oriented commercial uses having high trip generation potential are discouraged within this sub-unit.”

## ANALYSIS

### Special Exception Amendment Plat (SE Plat) (copy included at the front of the report)

Title of SE Plat: Plat for Special Exception, Service Station and Mini Mart, Seven Corners

Prepared By: The Tech Group, Inc.

Original and Revision Dates: September 1997 as revised through May 4, 1998

A submission waiver was granted permitting the previously approved SE Plat to be used for this application. The SE Plat consists of one sheet, which contains the general notes and site tabulations. The following features are also depicted:

- A 1,624 square foot service station/mini mart building along the southeastern lot line.
- Five pump islands with multiple product dispensers, covered by a 15 foot high canopy.
- One site entrance from Leesburg Pike (Route 7), near the southeastern corner of the site
- Two site entrances from the eastbound entrance road along Arlington Boulevard (Route 50), one near the northern end of the site and one near the southern.
- Two interparcel travel lanes, one along Route 50 and one along Route 7
- Right-of-way dedication line to be dedicated by the applicant/owner to accommodate VDOT Project #0007-029-117 (Route 7 improvement project), which will affect approximately 6,400 square feet of the site, primarily along the Route 7 frontage and the northern point of the property.
- Two signs, not to exceed 20 feet in height or 40 square feet in area. One sign would be located at the northern point of the property, and relocated further south after the right of way dedication, the second is shown adjacent to Route 7 on the southeastern boundary.

***Note that additional limitations are placed on these signs by the existing and proposed development conditions: the northern sign will be limited to a monument style sign with a maximum height of 11 feet 6 inches; the southern sign will be for gasoline prices only and limited to a maximum of eight feet in height. This price sign may also be relocated to the Route 7 frontage as permitted by letter of interpretation.***

- A total of 11 parking spaces adjacent to the building and an additional four spaces in the northern point of the property. These four spaces will be lost with the right-of-way dedication for the Route 7 project.

***Land Use/Environmental Analysis*** (Department of Planning and Zoning)

Since the approval of this application in 1998, the property has been included in the Baileys Crossroads/Seven Corners Revitalization District and the Plan text has been revised. The currently applicable plan text discourages “automobile-oriented commercial uses [with] high trip generation potential.” Although a service station/mini-mart certainly is an automobile-oriented use, because the application request does not modify or intensify the use on the site, but only modifies the conditions relating to signage, staff believes that the request is not in conflict with the recommendations of the Comprehensive Plan.

***Transportation Analysis*** (Fairfax County Department of Transportation) (Appendix 6)

The applicant is seeking to modify signage on the site. There are no transportation impacts associated with the request; however, the prior conditions related to transportation should be carried forward. It should also be noted that plans area now being developed for pedestrian improvements in the Seven Corners area. A small portion of the area designated on the SE Plat for future dedication for road improvements will be needed for the pedestrian project. Preliminary plans are shown in the DOT memo in Appendix 6. Staff has revised the previously approved condition to indicate that the ROW needed for the pedestrian project should be dedicated at this time, with the remainder to be dedicated at such time as the road project moves forward.

***Office of Commercial Revitalization and Reinvestment Analysis*** (Appendix 7)

The applicant’s initial proposal, which appeared to request that the 20 foot height noted on the SE Plat be reinstated, deleting the condition limiting the main sign to a monument style, would not be recommended because of the visual clutter caused by pole signs. Staff has worked with the applicant to refine the request to the current proposal: to retain the existing brick base of the sign but raise the sign panels by 40 inches (to a maximum height of 11.5 feet), and to modify the base to provide additional ground level screening such as shrubs and/or seasonal plantings in a planter. With this revised request, this issue has been addressed and OCRR does not object to the request. OCRR indicated no issues with the proposed revisions to the canopy fascia.

***Urban Forestry & Stormwater Analyses*** (Department of Public Works and Environmental Services)

Due to the limited nature of this application, a review of this application by the agencies listed above raised no issues. Therefore, the aforementioned departments do not object to the approval of this application.

**ZONING ORDINANCE PROVISIONS**

<b>Bulk Standards (C-8 CRD)</b>			
<b>Standard</b>	<b>Required</b>	<b>Provided</b>	
Lot Size	40,000 sq ft	24,520 sq ft*	
Lot Width	200 feet	<i>before dedication</i> Rt. 7: 208 ft Rt. 50: 247 ft	<i>after dedication</i> Rt. 7: 166 ft** Rt. 50: 190 ft*
Building Height	50 feet	20 feet	
Front Yard	20 feet	<i>before dedication</i> Rt. 7: 57 ft Rt. 50: 40 ft	<i>after dedication</i> Rt. 7: 32 ft* Rt. 50: 40 ft*
FAR	0.5	0.07	
Open Space	15%	21% (before dedication) 13% (after dedication) **	
Parking Spaces	11 spaces (does not utilize CRD reduction)	15 spaces (before dedication) 11 spaces (after dedication)	
Transitional Screening and Barrier: <i>none required</i>			

\* The provisions of Sect. 2-405 of the Zoning Ordinance, state in part that if a lot was recorded prior to the effective date of the Zoning Ordinance and met the lot requirements in place at the time of recordation, no lot size waiver is required. This lot was recorded in 1978 and met the lot requirements in place at that time.

\*\* Waiver of open space included in SE request

***Waivers/Modifications Requested: Reaffirmation of a waiver of the service drive requirement along the Route 7 frontage***

A waiver of the service drive requirement along the Route 7 frontage was originally granted (and supported by staff) because the site maintains interparcel access to the adjacent property to the east, and because the future plans for Route 7 in this area do not include service drives. The current request, to modify signage on the site, does not affect the access to the site, and staff recommends that the waiver be reaffirmed.

***Special Exception Requirements (Appendix 8)***

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

The General Standards require that the proposed use be in harmony with the adopted Comprehensive Plan and in harmony with the general purpose and intent of the applicable zoning district regulations; that the proposed use will not adversely affect the use or development of neighboring properties; that pedestrian and vehicular traffic associated with the use will not create hazards or conflict with the existing and anticipated traffic in the neighborhood; and that landscaping, screening, open space, adequate utility, drainage, signage, parking and loading spaces be regulated in accordance with the Zoning Ordinance. As noted, no substantive changes are proposed to the use, intensity or circulation on the property with this application, which proposes only to modify signage. Staff believes these standards are met.

Paragraph 8 states that the application shall adhere to the provisions of Article 12, Signs, of the Zoning Ordinance, but that the Board may apply stricter standards if desired in order to meet the other provisions of the ordinance and Comprehensive Plan. Staff has evaluated the proposed revisions to the free standing sign and the canopy fascia (as illustrated earlier in this report). With the proposed conditions, limiting signage to that shown, staff believes that the proposed signage is appropriate for this location and use.

*Provisions for Approving...Service Stations/Mini-Marts in a Highway Corridor Overlay District (Sect. 9-611) & Highway Corridor Overlay District Use Limitations (Sect. 7-608)*

These standards require that the use be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties, that access be designed so not to impede traffic on a public street intended to carry through traffic. As noted, no changes are proposed to the use, intensity, or circulation of the site. These standards are addressed.

*Provisions for Waiving Open Space Requirements (Sect. 9-612)*

The provisions require that a waiver must "further the intent of the Ordinance, and the intent and implementation of the adopted comprehensive plan," be harmonious with adjacent development, and meet screening and barrier requirements. The Comprehensive Plan and the Zoning Ordinance both recognize that the revitalization of existing developments is desirable, even if such centers do not meet all current standards. The applicant is not reducing the amount of open space on the site or impacting the previously approved landscaping. No transitional screening or barriers are required of this site. Staff believes these standards are met.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The applicant requests approval of a special exception amendment to revise the signage conditions for a service station/mini-mart that is constructed in accordance with the governing special exception. No change in the intensity, use, buildings, or circulation on the site is proposed. While a waiver of open space is requested, the amount of open space on the site is an existing condition, previously approved, and is not being affected or reduced with this request. Staff finds that the proposed use is of a design and intensity that is in conformance with the Comprehensive Plan, and with the imposition of development conditions, staff believes that the request is in conformance with the applicable Zoning Ordinance provisions.

## **Recommendations**

Staff recommends approval of SEA 97-M-075 subject to the proposed development conditions in Appendix 1.

Staff recommends that the previously approved waiver of a service drive along Route 7 be reaffirmed

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. Approval of SE 97-M-075
5. Plan Citations
6. Transportation Analysis
7. Office of Commercial Revitalization and Reinvestment Analysis
8. Applicable Zoning Ordinance Provisions Checklist
9. Glossary

## PROPOSED DEVELOPMENT CONDITIONS

SEA 97-M-075

March 3, 2010

<p><i>changes from the previously approved conditions (SE 97-M-075) are shown in blackline</i></p>
--

If it is the intent of the Board of Supervisors to approve SEA 97-M-075, located at 6318 Leesburg Pike, Tax Map 51-3 ((1)) 33 and 34, previously approved for a service station/mini-mart in a highway corridor overlay district and a waiver of open space, to permit modifications to the development conditions, pursuant to Sect. 7-607 and 9-612 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 previous conditions; those carried forward from the previous approval are marked with an asterisk):

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 "Plat for Special Exception, Service Station and Mini Mart, Seven Corners," consisting of one sheet prepared by The Tech Group, Inc., and dated September 1997 as revised through May 4, 1998, 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. Within 60 days of notice by Fairfax County that funding is available for the construction of the portion of the adopted Route 7 improvement plan (VDOT project 007-029-117, PE 101) located along the site's frontage, right-of-way, as depicted on the Special Exception Plat, and ancillary easements shall be dedicated, in fee simple, to the Board of Supervisors in accordance with the funded Route 7 improvement plan. Any portions of this dedication area (or easements) that are required for road or pedestrian improvement projects prior to the implementation of VDOT project 007-029-117, PE 101 shall be dedicated upon request.
5. Prior to site plan approval, the applicant shall demonstrate to ~~DEM~~ DPWES that the proposed site development will be compatible with the future geometrics and elevations of Route 7 per the approved Route 7 improvement plans to the satisfaction of the ~~Office~~ Fairfax County Department of Transportation and

Virginia Department of Transportation (VDOT). Adjustments to the ~~Special Exception Plat~~ may be made to ensure such compatibility, provided that the adjustments are in substantial conformance with the Special Exception Plat. A Special Exception Amendment for the site shall be required if the proposed development is determined not to be compatible with the geometrics and elevations of the Route 7 improvement plan under the provisions of this condition. \_\*

6. The width of the western entrance on the Route 50 service drive shall be limited to the existing width of approximately 50 feet. The eastern entrance on the Route 50 service drive shall be limited to a maximum width of approximately 35 feet at the property line and 40 feet at the curb line of the service drive. Subject to VDOT approval, the eastern side of this entrance shall have a curb return radius of 10 feet in order to facilitate exiting tanker trucks. \_\*
7. The proposed concrete island depicted on the Special Exception Plat in the Route 7 access point shall be removed. The maximum width on this entrance shall be reduced to 40 feet at the property line. \_\*
8. All four sides of the building shall have the same architectural facade treatments. In order to provide compatibility with the existing shopping center to the east, the building design shall include brick work in neutral earth tones. The building design may be enhanced with red awnings similar to those on the existing shopping center on Tax Map 51-3 ((1)) 29. \_\*
9. All faces of the canopy shall be ~~paint~~ surfaced with a non-reflective paint surface in a muted color consistent with coloring of the service station/mini-mart building, with a matte finish to minimize the visual impact of the canopy. A maximum of two signs on the canopy, with a maximum size of approximately three feet by three feet each, may be internally illuminated. The canopy fascia may be downlit, so long as such lighting in conformance with the standards of Article 14. Further, there shall be no lighted panels along the face of the canopy. Any lighting associated with this use shall be downward directed and shielded to minimize off-site impacts in accordance with the Performance Standards set forth in Article 14.
10. One monument sign of a size not to exceed 40 square feet in area and 11.5 feet in height may be provided in the location indicated on the Special Exception Plat at the northern portion of the property. The sign shall be placed on a brick foundation of a material and color consistent with the service station/mini-mart building, and shall be generally consistent with the illustration in Attachment 1 of these conditions. The base of the foundation shall be modified to create a planter of sufficient size to support evergreen shrubs and seasonal plantings, as determined appropriate by UFM. Such planter may be constructed on the side of the sign facing the street only, or on both sides of the sign, at the applicant's discretion. Also at the applicant's discretion, the brick pillars on the sides of the sign support may be extended to be level with the top of the sign panels, and/or

the area between the sign panel and the base may be left open or filled with brick matching the base. A white and red color scheme consistent with the signage in the existing shopping center to the east of the subject property should be provided if possible.

11. In accordance with Section 10-4.1-2 of the Fairfax County Code Zoning Ordinance, a second sign providing price information may be installed along the eastern property line as indicated on the Special Exception Plat, or along the Route 7 frontage in the location shown in Attachment 2 of these conditions. Irrespective of the height indicated on the Special Exception Plat, the second sign shall be of a height no greater than 8 feet and shall not include any information other than gasoline prices. There shall be no other freestanding signs permitted on site.\*
12. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on site. No promotional signage shall be permitted on any light poles.; This shall not preclude the display of seasonal decorations and displays in accordance with Sect. 12-103 of the Zoning Ordinance.
13. All exterior lighting, including signage, canopy lighting, security, pedestrian and/or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
- ~~14.~~ 14. Landscaping shall be provided in accordance with the Special Exception Plat and enhanced to provide a variety of plant materials and seasonal display as determined by the Urban Forester Forest Management Branch (DEM DPWES) prior to site plan approval. An alternate landscaping plan shall also be submitted with the site plan which provides a variety of shade trees, plant material and seasonal display to replace that landscaping which will be lost as a result of future right-of-way dedication along Route 7. The general area to be covered by the alternate landscaping plan shall include the area to the north of the pump islands and south of the dedication line, as depicted on the Special Exception Plat, provided that adequate travel aisles are provided. This alternate landscaping plan shall be implemented within 60 days of completion of the Route 7 road improvement project. In addition, planters shall be placed adjacent to the pump islands as depicted on the Special Exception Plat.\*
- ~~12.~~ 15. Decorative sidewalks in accordance with the Bailey's Crossroads Streetscape Plan, to include rose-colored concrete unit pavers, shall be installed along the Route 50 frontage to the point of the dedication line shown on the Special Exception Plat for the VDOT Route 7 project, subject to VDOT approval. The existing sidewalk from that point west shall remain. The applicant shall also construct decorative sidewalks in accordance with the Bailey's Crossroads Streetscape Plan along the Route 7 frontage at such time as the Route 7 Improvement Project is constructed.\*
- ~~13.~~ 16. No more than five (5) light poles of a height not to exceed 16 feet, as measured from the ground to the top of the fixture, shall be installed on site. Each pole shall

have a maximum of one (1) lighting fixture with a wattage not to exceed the glare standards provided for in Section 14-904 of the Zoning Ordinance. These lighting fixtures shall be directed inward and downward and otherwise shielded to avoid off-site glare. In addition, the applicant shall provide acorn lights in accordance with the Bailey's Crossroads Streetscape Plan, as determined by DEM prior to site plan approval. The applicant or others may relocate any light poles which must be moved as a result of the Route 7 improvement project without the need for a special exception amendment. \*

14.17. Fuel deliveries shall not occur during the peak hours defined as follows:

7:00 a.m. to 9:00 a.m., 10:00 a.m. to 2:00 p.m. and 4:00 p.m. to 7:00 p.m. \*

15.18. The service station/mini-mart may operate seven days a week, 24 hours per day. The total number of employees shall not exceed five (5) on site at any one time.

16.19. In the event that DEM-DPWES does not waive the stormwater management and best management practice requirements as referenced in note # 12 on the Special Exception Plat, a sand filtration system, designed in accordance with the design construction guidelines contained in the addendum to the Northern Virginia Best Management Practices (BMP) Handbook, to the satisfaction of DEM-DPWES, or an alternative system as may be approved by DEM-DPWES at time of site plan approval, shall be installed to ensure additional water quality protection. \*

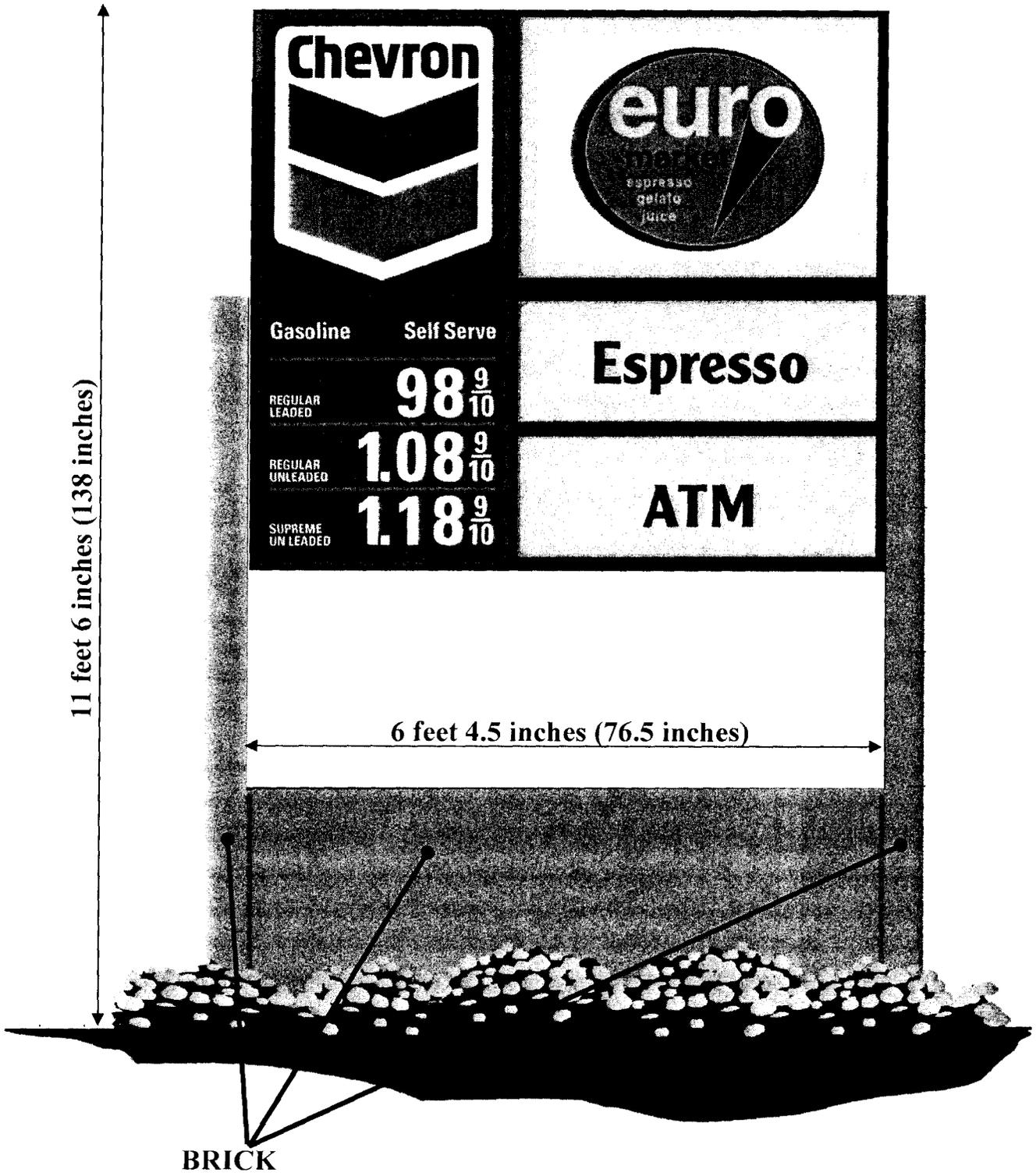
17.20. The construction of curb and gutter and placement of landscaping within the 24' public ingress-egress easement parallel to Route 7 as indicated on the Special Exception Plat shall not be deemed as inconsistent with the limited use easement created with the Deed of Dedication and Easement Agreement dated December 18, 1989, and recorded at Deed Book 7525 Page 1331.

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.

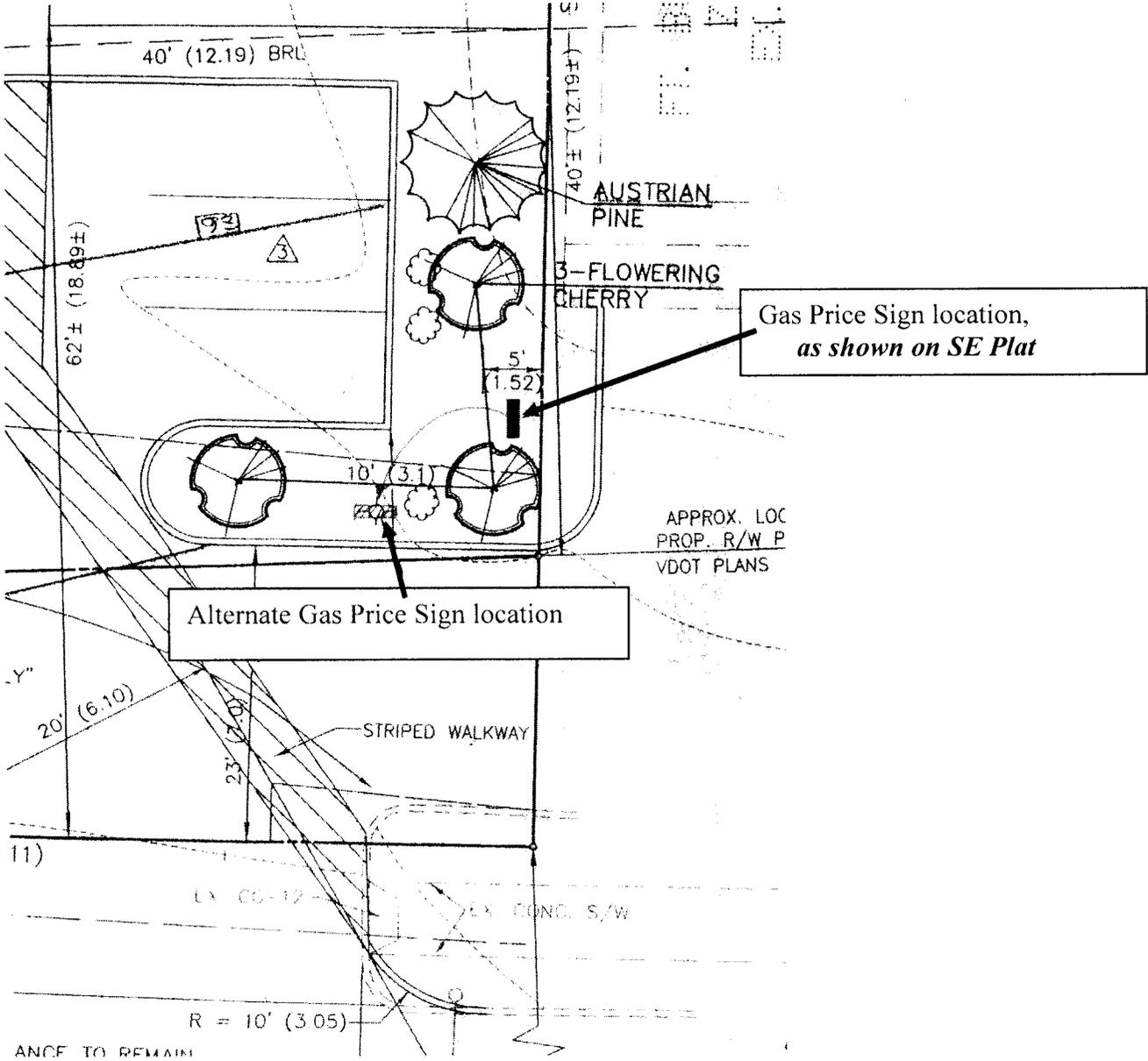
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established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

Free-standing Sign exhibit



Alternate location for secondary, gasoline price only, sign



**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 1-29-2010  
 (enter date affidavit is notarized)

I, John H. Thillmann, 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            **106817**

in Application No.(s): SEA 97-M-075  
 (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)
Mubarak Corporation, trading as Euro-Market Chevron	6318 Leesburg Pike, Falls Church, VA 22044	Applicant/Title Owner/Lessor of TM 051-3((1)) parcel 34.
Route 7-50 Retail, LLC	6318 Leesburg Pike, Falls Church, VA 22044	Co-Applicant/Title Owner of TM 051-3((1)) parcel 33; Lessee of TM 051-3((1)) parcel 34.
Anwar Somani Ahmed Patel	(same as above) (same as above)	Agents for Applicants and Title Owners of TM 051-3((1)) parcels 33 and 34.
John H. Thillmann	2700 South Nelson Street, Arlington, VA 22206	Agent for Applicants and Title Owners of TM 051-3((1)) parcels 33 and 34.

(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: 1-29-2010  
(enter date affidavit is notarized)

106817

for Application No. (s): SEA 97-M-075  
(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)

Mubarak Corporation  
6318 Leesburg Pike  
Falls Church, VA 22044

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

Anwar Somani  
Mohammed Ali  
Ahmed Patel

(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: 1-29-2010  
(enter date affidavit is notarized)

106817

for Application No. (s): SEA 97-M-075  
(enter County-assigned application number (s))

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

Route 7-50 Retail, LLC  
6318 Leesburg Pike  
Falls Church, VA 22044

**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)

Anwar Somani, Member  
Mohammed Ali, Member  
Ahmed Patel, Managing Member

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

**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)

(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: 1-29-2010  
(enter date affidavit is notarized)

106817

for Application No. (s): SEA 97-M-075  
(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)

N/A

(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: 1-29-2010  
(enter date affidavit is notarized)

106817

for Application No. (s): SEA 97-M-075  
(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: 1-29-2010  
(enter date affidavit is notarized)

106817

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.)

Within the twelve-month period prior to the public hearing of this application, John H. Thillmann made contributions in excess of \$100 to Chairman of the Board of Supervisors Sharon Bulova, and Supervisors Catherine Hudgins, Jeff McKay, and Penelope Gross.

**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) [ ] Applicant [x] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 29<sup>th</sup> day of January 2010, in the State/Comm. of Virginia, County/City of Arlington.

*[Signature]*  
Notary Public

My commission expires: Nov. 30, 2012



MAR 09 2009

Zoning Evaluation Division

**Special Exception Statement of Justification**

**Euro Market Chevron0  
6318 Leesburg Pike  
Falls Church VA 22044  
Tax Map 51-3 ((1) 33 & 34**

- A. Type of Operation: Service Station and Mini Mart (existing operation)
- B. Hours of Operation: 24 Hours (same as current)
- C. Estimated Number of Patrons: 800 to 1000 per day (same as current)
- D. Estimated Number of Employees: 5 (same as current)
- E. Estimated Traffic impact of proposed use: No change from the current operation. Peak hours are 7 AM to 9 AM and 4:30 PM to 6:30 PM
- F. Area to be served: The 7 Corners area primarily pass by traffic on route 7 West-bound between 1,600 to 2,000 trips per day, one trip inbound and one trip out bound (no change from the current area served or number of trips) The station does not generate new trips rather it serves traffic already on Route 7 and Route 50 thereby providing a necessity in a convenient location.
- G. Description of Building Façade and architecture. No change in architecture to the existing building or the canopy is proposed. However, a color change is proposed for the canopy fascia from the existing white to a sky blue color that is back lit and with the addition of illuminated letters that are now not illuminated. The Chevron letters are to remain in the same size, configuration and location as those currently on the canopy (two feet high by ten feet eleven inches in length).
- H. Hazardous Substances to be used stored or dispensed: (No change to the existing situation is proposed). Gasoline and diesel will continue to be dispensed at the pumps and contained in underground storage tanks.. All State and Federal codes and requirements shall be met. Motor oil, Anti Freeze, Windshield Solvent will continue to be sold in proper containers within the mini mart. No hazardous material shall be disposed of on site.
- I. Proposed Use Conformation: This application is not for a use change or expansion. Rather it is for only for slight modification to the SE conditions. The first request is to reaffirm and clearly state that the monument sign at the North East corner of the site originally proposed with SE 97-M-075 which was both intended and allowed to be 20 feet in height, and is shown on the approved SE Plat as being 20 feet in height, will change from what is currently a monument sign to a taller column sign. The existing monument sign is 6 feet in height now and not visible to the motoring public on Rt. 7 Leesburg Pike. The height and type of this sign was not an issue in the original Special Exception request as it is not addressed in the SE conditions other than as identified upon the SE Plat.

The second request is to allow the canopy fascia above the pump island to be changed from white to light blue and to have both the existing chevron letters and fascia to be back lit. This service station mini-mart Special Exception Amendment request is to update its appearance and make the price of gasoline convenient and visible to motorists. The State of Virginia weights and measures requires that when pricing signs are provided they must be visible.

We request no change in use, hours of operation, number of employees, physical site alteration, nor any change to access. The canopy fascia color, backlighting and the pole sign will bring this service station up to date and is in keeping with other similar recent approvals, one directly across the street (Rt. 7) for a service station and mini mart. Another recent approval by staff and the Baileys Crossroads and Seven Corners Revitalization Committee was of a service station and mini mart canopy and lighting in the Baileys Crossroads area on Columbia Pike.

No site circulation, parking, building footprints or architectural changes are proposed. This small business is a member of the Baileys – Route 7 Revitalization Task Force and this small business will make sure to remain compatible with those guidelines. Remaining viable as a business is an important element of any revitalization area and these small on site changes are needed for this business. This viable business willing to spend money on improving itself to a more current design, also shows that a positive investment is being made in the area, sending a positive message to other businesses. I believe that this request is in keeping with the architecture, lighting and street-scape of the area and urge approval of the request.

RECEIVED  
Department of Planning & Zoning  
JAN 25 2010  
Zoning Evaluation Division

**John H. Thillmann**  
2700 South Nelson St. Arlington VA 22206  
703-927-2017

January 25, 2010

Ms. Regina Coyle,  
Director Zoning Evaluation Division  
Department of Planning and Zoning  
C/O Tracy Strunk  
121055 Government Center Parkway  
Fairfax, VA 22035

RE: Application for Special Exception Amendment 97-M-075 (Tax Map 51-3 (( 1 )) 33 & 34) and waiver of Open Space Requirement

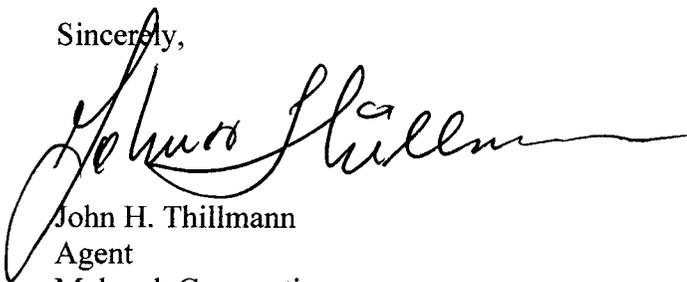
Dear Ms. Coyle:

When this application was initially granted back in 1998 an open-space waiver was also requested and granted. I am therefore also requesting that the open-space requirement in section 4-808 of the C-8 Highway Commercial District be waived again as part of this application. We are asking for no changes to the previously approved plan that affects open-space, travel ways, building or parking areas.

I have also Added Route 7-50 Retail, LLC as a co-applicant and revised the square footage of the application on the corrected "Application for Special Exception" page to 24,520 square feet for parcels 33 & 34.

The affidavits require no changes and are correct as presented.

Sincerely,



John H. Thillmann  
Agent  
Mubarak Corporation  
Route 7 - 50, LLC

Cc: Anwar Somani  
Ahmed Patel

## Strunk, Tracy

---

**From:** John Thillmann [jhtcav@aol.com]  
**Sent:** Monday, January 11, 2010 8:26 AM  
**To:** Strunk, Tracy  
**Subject:** 7 Corners Service Station

Good morning Tracy:

I am sending this Email to state that the request for the sign height at the corner of Rt 7 and Rt 50. It is now 8 feet in height and is not visible when a vehicle is parked in front of the sign. We would be willing to keep the monument base as it now is which matches the building and only move the center sign portion up for another 3 ft and 4 inches (40 inches total). This will allow the brick monument base to stay in place and allows the price sign to be visible above any vehicles that may park in front of it.

Thanks much,  
John Thillmann

cc:Anwar Somani

=



# 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

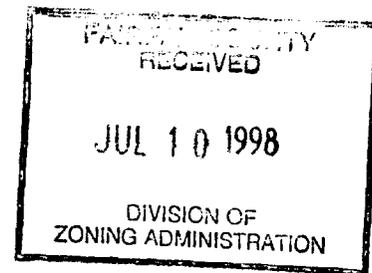
FAX: 703-324-3926

TDD: 703-324-3903

*6318 Leesburg Pike*

July 1, 1998

Tracy L. Steele Scileppi, Esquire  
Walsh, Colucci, Stackhouse,  
Emrich and Lubeley, P.C.  
2200 Clarendon Boulevard  
Thirteenth Floor  
Arlington, Virginia 22201-3359



RE: Special Exception  
Number SE 97-M-075  
(Amended - Condition #13)

Dear Ms. Scileppi:

At a regular meeting of the Board of Supervisors held on June 8, 1998, the Board approved Special Exception Number SE 97-M-075 in the name of Mubarak Corporation, located at Tax Map 51-3 ((1)) 33 and 34, for a service station/mini-mart in a Highway Corridor Overlay District and a waiver of the open space requirements pursuant to Sections 4-804 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 Environmental Management (DEM). Any plan submitted pursuant to this Special Exception shall be in conformance with the approved Special Exception Plat entitled "Plat for Special Exception, Service Station and Mini-Mart, Seven Corners" and prepared by The Tech Group, Inc. which is dated September 1997, and revised through May 4, 1998.

4. Within 60 days of notice by Fairfax County that funding is available for the construction of the portion of the adopted Route 7 improvement plan (VDOT project 007-029-117, PE 101) located along the site's frontage, right-of-way, as depicted on the Special Exception Plat, shall be dedicated, in fee simple, to the Board of Supervisors in accordance with the funded Route 7 improvement plan.
5. Prior to site plan approval, the applicant shall demonstrate to DEM that the proposed site development will be compatible with the future geometrics and elevations of Route 7 per the approved Route 7 improvement plans to the satisfaction of the Office of Transportation and Virginia Department of Transportation (VDOT). Adjustments to the Special Exception Plat may be made to ensure such compatibility, provided that the adjustments are in substantial conformance with the Special Exception Plat. A Special Exception Amendment for the site shall be required if the proposed development is determined not to be compatible with the geometrics and elevations of the Route 7 improvement plan under the provisions of this condition.
6. The width of the western entrance on the Route 50 service drive shall be limited to the existing width of approximately 50 feet. The eastern entrance on the Route 50 service drive shall be limited to a maximum width of approximately 35 feet at the property line and 40 feet at the curb line of the service drive. Subject to VDOT approval, the eastern side of this entrance shall have a curb return radius of 10 feet in order to facilitate exiting tanker trucks.
7. The proposed concrete island depicted on the Special Exception Plat in the Route 7 access point shall be removed. The maximum width on this entrance shall be reduced to 40 feet at the property line.
8. All four sides of the building shall have the same architectural facade treatments. In order to provide compatibility with the existing shopping center to the east, the building design shall include brick work in neutral earth tones. The building design may be enhanced with red awnings similar to those on the existing shopping center on Tax Map 51-3 ((1)) 29.
9. All faces of the canopy shall be painted with a non-reflective paint in a muted color consistent with coloring of the service station/mini-mart building, with a matte finish to minimize the visual impact of the canopy. Further, there shall be no lighted panels along the face of the canopy. Any lighting associated with this use shall be downward directed and shielded to minimize off-site impacts in accordance with the Performance Standards set forth in Article 14.

10. One monument sign of a size not to exceed 40 square feet in area may be provided in the location indicated on the Special Exception Plat at the northern portion of the property. The sign shall be placed on a brick foundation of a material and color consistent with the service station/mini-mart building. A white and red color scheme consistent with the signage in the existing shopping center to the east of the subject property should be provided if possible. In accordance with Section 10-4.1-2 of the Fairfax County Code, a second sign providing price information may be installed along the eastern property line as indicated on the Special Exception Plat. Irrespective of the height indicated on the Special Exception Plat, the second sign shall be of a height no greater than 8 feet and shall not include any information other than gasoline prices. There shall be no other freestanding signs permitted on site.
11. Landscaping shall be provided in accordance with the Special Exception Plat and enhanced to provide a variety of plant materials and seasonal display as determined by the Urban Forester (DEM) prior to site plan approval. An alternate landscaping plan shall also be submitted with the site plan which provides a variety of shade trees, plant material and seasonal display to replace that landscaping which will be lost as a result of future right-of-way dedication along Route 7. The general area to be covered by the alternate landscaping plan shall include the area to the north of the pump islands and south of the dedication line, as depicted on the Special Exception Plat, provided that adequate travel aisles are provided. This alternate landscaping plan shall be implemented within 60 days of completion of the Route 7 road improvement project. In addition, planters shall be placed adjacent to the pump islands as depicted on the Special Exception Plat.
12. Decorative sidewalks in accordance with the Bailey's Crossroads Streetscape Plan, to include rose-colored concrete unit pavers, shall be installed along the Route 50 frontage to the point of the dedication line shown on the Special Exception Plat for the VDOT Route 7 project, subject to VDOT approval. The existing sidewalk from that point west shall remain. The applicant shall also construct decorative sidewalks in accordance with the Bailey's Crossroads Streetscape Plan along the Route 7 frontage at such time as the Route 7 Improvement Project is constructed.
13. No more than five (5) light poles of a height not to exceed 16 feet shall be installed on site. Each pole shall have a maximum of one (1) lighting fixture with a wattage not to exceed the glare standards provided for in Section 14-904 of the Zoning Ordinance. These lighting fixtures shall be directed inward and downward and otherwise shielded to avoid off-site glare. In addition, the applicant shall provide acorn lights in accordance with the Bailey's Crossroads Streetscape Plan, as determined by DEM prior to site plan approval. The applicant or others may relocate any light poles which must be moved as a result of the Route 7 improvement project without the need for a special exception amendment.

14. Fuel deliveries shall not occur during the peak hours defined as follows: 7:00 a.m. to 9:00 a.m., 10:00 a.m. to 2:00 p.m. and 4:00 p.m. to 7:00 p.m.
15. The service station/mini-mart may operate seven days a week, 24 hours per day. The total number of employees shall not exceed five (5) on site at any one time.
16. In the event that DEM does not waive the stormwater management and best management practice requirements as referenced in note # 12 on the Special Exception Plat, a sand filtration system, designed in accordance with the design construction guidelines contained in the addendum to the Northern Virginia Best Management Practices (BMP) Handbook, to the satisfaction of DEM, or an alternative system as may be approved by DEM at time of site plan approval, shall be installed to ensure additional water quality protection.
17. The construction of curb and gutter and placement of landscaping within the 24' public ingress-egress easement parallel to Route 7 as indicated on the Special Exception Plat shall not be deemed as inconsistent with the limited use easement created with the Deed of Dedication and Easement Agreement dated December 18, 1989, and recorded at Deed Book 7525 Page 1331.

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 addition time is required.

**The Board also:**

- **Waived the open space requirement for the site following the right-of-way dedication for the Route 7 improvement project; and**
- **Waived the service drive requirement along the Route 7 Frontage.**

SE 97-M-075

July 1, 1998

5.

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 of the Office of Comprehensive Planning 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

cc: John M. Yeatman, Director, Real Estate Div., Department of Tax Administration  
Michael Congleton, Deputy Zoning Administrator  
Frank Jones, Assistant Chief, PPRB, OCP  
Audrey Clark, Chief, Inspection Svcs., BPRB, DEM  
Barbara A. Byron, Director, Zoning Evaluation Div., OCP  
Robert Moore, Trnsprt'n. Planning Div., Office of Transportation  
Paul Eno, Project Planning Section, Office of Transportation  
Department of Environmental Management  
Department of Highways, VDOT  
Land Acqu. & Planning Div., Park Authority





# County of Fairfax, Virginia

## MEMORANDUM

DATE: December 18, 2009

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

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

**SUBJECT:** Transportation Impact

**FILE:** 3-5 (SE 1997-M-075)

**REFERENCE:** SEA 1997-M-075-1; Anwar Somani  
Traffic Zone: 1427  
Land Identification: 51-3 ((1)) 33 and 34

The following comments reflect the position of the Department of Transportation, and are based on the applicant's statement of justification received in the Department of Planning and Zoning on March 9, 2009, and the previously approved Special Exception Plat revised to May 4, 1998.

The applicant is seeking permission to modify the signing and canopy fascia. There are no transportation impacts associated with the request. However, the prior conditions related to transportation should be carried forward with the current requests.

Note that plans are now being developed to improve pedestrian circulation within the Seven Corners area. Attached is the preliminary plan for construction adjacent to the site. A small area will be needed for right-of-way and construction easements. The area needed for this sidewalk project is within the area already committed for dedication for the future widening of Route 7. The small portion needed for the sidewalk project should be dedicated upon request to facilitate the sidewalk project construction, with dedication of the remaining area deferred until that project moves forward.

AKR/CAA

Dennis J. Marsh, Fairfax County Department of Transportation  
Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services.

WILSON BOULEVARD

THERMOPLASTIC PAVEMENT MARKING, 24" SOLID WHITE STOP BAR

STD. CG-12 DETECTABLE WARNING SURFACE, LENGTH=2'

THERMOPLASTIC PAVEMENT MARKING, 6" SOLID WHITE CROSSWALK

REMOVE EXISTING STOP BAR AND PAVEMENT MARKINGS

PROPOSED MOD. CG-12C LENGTH=5' WIDTH=5'

STD. CG-12 DETECTABLE WARNING SURFACE, LENGTH=2'

PROPOSED STD. RADIAL CG-6 R= 25'

PROPOSED STD. CG-12B LENGTH=5' WIDTH=5'

REMOVE CURB CUT RAMP AND REBUILD SIDEWALK

PROPOSED RIGHT OF WAY

THERMOPLASTIC PAVEMENT MARKING, 6" SOLID WHITE CROSSWALK

107+00

S 32° 09' 21" E

108

LEESBURG PIKE - STATE RTE. 7

PROPOSED STD. RADIAL CG-6 R= 39.5'

PROPOSED 5' CONCRETE SIDEWALK

PRELIMINARY PHASE SEVEN CORNERS SIDEWALK PROJECT 4YP201 - PB029

LINE STA. 108+00.00 SHEET 4

MOVE EXISTING



# County of Fairfax, Virginia

**FAIRFAX COUNTY COMPREHENSIVE PLAN, 2007 Edition**  
**Baileys Planning District, Amended through 1-26-2009**  
**Seven Corners Community Business Center**

**AREA I**

**Page 58**

## Sub-Unit A-4

The area located north of Wilson Boulevard, between the Falls Church City line and the Arlington County line, is planned and developed for multi-family residential and neighborhood-serving retail uses up to .25 FAR. The Cavalier Club apartments, Parcel 51-3((1))43, is planned for and developed at 16-20 dwelling units per acre. The northernmost portion of this land unit is included within an Arlington County neighborhood and is planned for residential use at the current density.

## LAND UNIT B

Land Unit B is a wedge of land east of the intersection of Arlington Boulevard and Leesburg Pike and bordered by those two streets. The land unit contains office uses, neighborhood-serving retail uses, and the Seven Corners Shopping Center-the dominant feature of the land unit. To the southeast are multi-family apartments and to the northeast, along Arlington Boulevard, a strip of office townhouses and single-family residential units converted to office use.

Within the overall planning concept described above, the following recommendations apply to specific sub-units of Land Unit B:

### Sub-Unit B-1

This sub-unit is located immediately adjacent to the Seven Corners intersection and is visually prominent as a gateway to Fairfax County. The area is planned for neighborhood-serving retail or office use up to .35 FAR. As an option, land within this sub-unit may be considered for retail and office mixed use up to .50 FAR if a full consolidation of parcels is achieved.

Drive-through facilities and automobile-oriented commercial uses having high trip generation potential are discouraged within this sub-unit.

### Sub-Unit B-2

The Seven Corners Shopping Center is planned and developed as a regional shopping center up to .50 FAR. The existing shopping center includes two drive-through uses. Any additional development on this site should be designed in a manner that is integrated with the existing shopping center.

In addition, the center should include a transit (bus transfer) center as cited in the Policy Plan. This transit center should be located on the shopping center property, at a location that is both convenient and safe for users. A component of the transit center is a planned pedestrian bridge which will connect the north side of Route 50 to the shopping center; the ramps, stairs, and pedestrian bridge structure should be located and designed to provide safe and convenient pedestrian access to the transit center.

A third drive-through use may be appropriate if the location and site design of this use does not conflict with the transfer center and the bus circulation pattern. Further, if this drive-through use or other new development is to occur on this property, the vehicular circulation should be enhanced so as to provide a carefully designed, efficient, and non-conflicting internal circulation system with continued access provided to Arlington Boulevard, Leesburg Pike, and Thorne



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** December 11, 2009

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

**FROM:** *Barbara A. Byron*  
Barbara A. Byron, Director  
Office of Community Revitalization and Reinvestment

**SUBJECT:** Euro Market Chevron – Comments on SEA 97-M-075

The Office of Community Revitalization and Reinvestment (OCRR) has reviewed the above referenced Special Exception application as accepted November 30, 2009. The applicant has several requests. The first is that the Zoning Evaluation Division (ZED) reaffirm that a 20-foot pole sign which is indicated on the original plat is still permitted. The pole sign is not constructed, and a six foot monument sign exists at that location today (Attachment I). Secondly, the applicant requests that the existing canopy fascia color be changed from white to blue. Finally, the applicant wishes to back-light the canopy fascia and affixed Chevron lettering, all of which are presently unlit. OCRR offers several comments regarding this application.

The site is located at the southeast corner of Leesburg Pike and Arlington Boulevard. The existing gas station is in a highly-visible and very prominent location. It is unclear that larger signage is necessary at such an ideal location, and it would be preferential not to install the pole sign. In general, pole signs can contribute to the visual clutter of major corridors.

If the existing monument sign is removed and replaced with a pole sign, we recommend that there be no net loss in landscaping. The existing small trees should be retained. Existing base plantings should be replaced and enhanced with the installation of the new pole sign. Any installations should take care to avoid the overhead utility lines which are nearby.

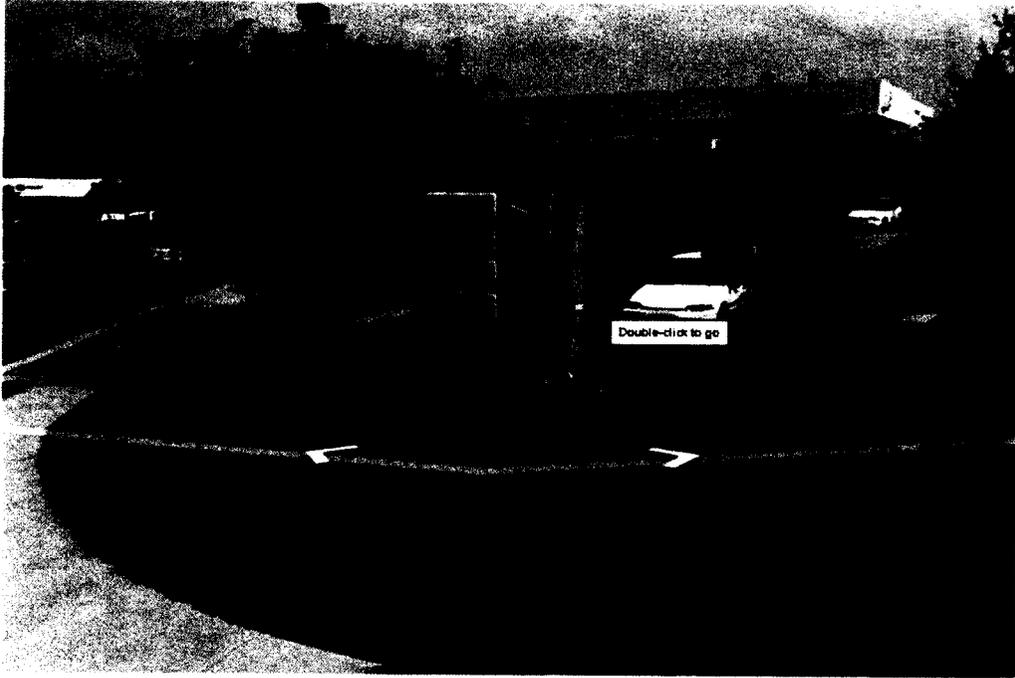
Regarding the additional request for a change in fascia color, and the addition of backlighting to the existing signage, OCRR has no objections. The applicant should confirm however, that their request includes the Chevron logo as well as lettering. This is somewhat unclear from their justification statement. The applicant should also confirm that no other signage will be added to the canopy.

**CC:** Tracy Strunk, Senior Staff Coordinator, DPZ/ZED  
OCRR File



Office of Community Revitalization and Reinvestment  
12055 Government Center Parkway, Suite 1048  
Fairfax, VA 22030  
703-324-9300, TTY 711  
www.fcrcv.org

**Attachment I**  
Existing Monument Sign



**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.



**9-611 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.
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.
  
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.
  
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.



**9-612 Provisions for Waiving Open Space Requirements**

Except for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, the Board may approve, either in conjunction with the approval of appropriate proffered conditions or as a special exception, the waiving of the open space requirement presented for a given zoning district and/or the open space requirement for cluster subdivisions in the R-C, R-E and R-1 Districts and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, set forth in Par. 4 of Sect. 2-309, but only in accordance with the following provisions:

1. Such waiver may be approved only if it will further the intent of the Ordinance, and the intent and implementation of the adopted comprehensive plan and other adopted policies.
2. Such waiver may be approved only if it is established that the resultant development will be harmonious with adjacent development.
3. Such a waiver may be approved only if the provisions of Article 13 are satisfied.

□

## 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	Architectural 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		