DEVELOPMENT CONDITIONS

SEA 97-M-075

March 3, 2010

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 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 Fairfax County Department of Transportation and Virginia Department of Transportation (VDOT). Adjustments 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 surfaced with a non-reflective surface 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.

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 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. 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 Forest Management Branch (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. *

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. *

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. *

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. *

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.

19. In the event that 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 DPWES. or an alternative system as may be approved by DPWES at time of site plan approval, shall be installed to ensure additional water quality protection. *

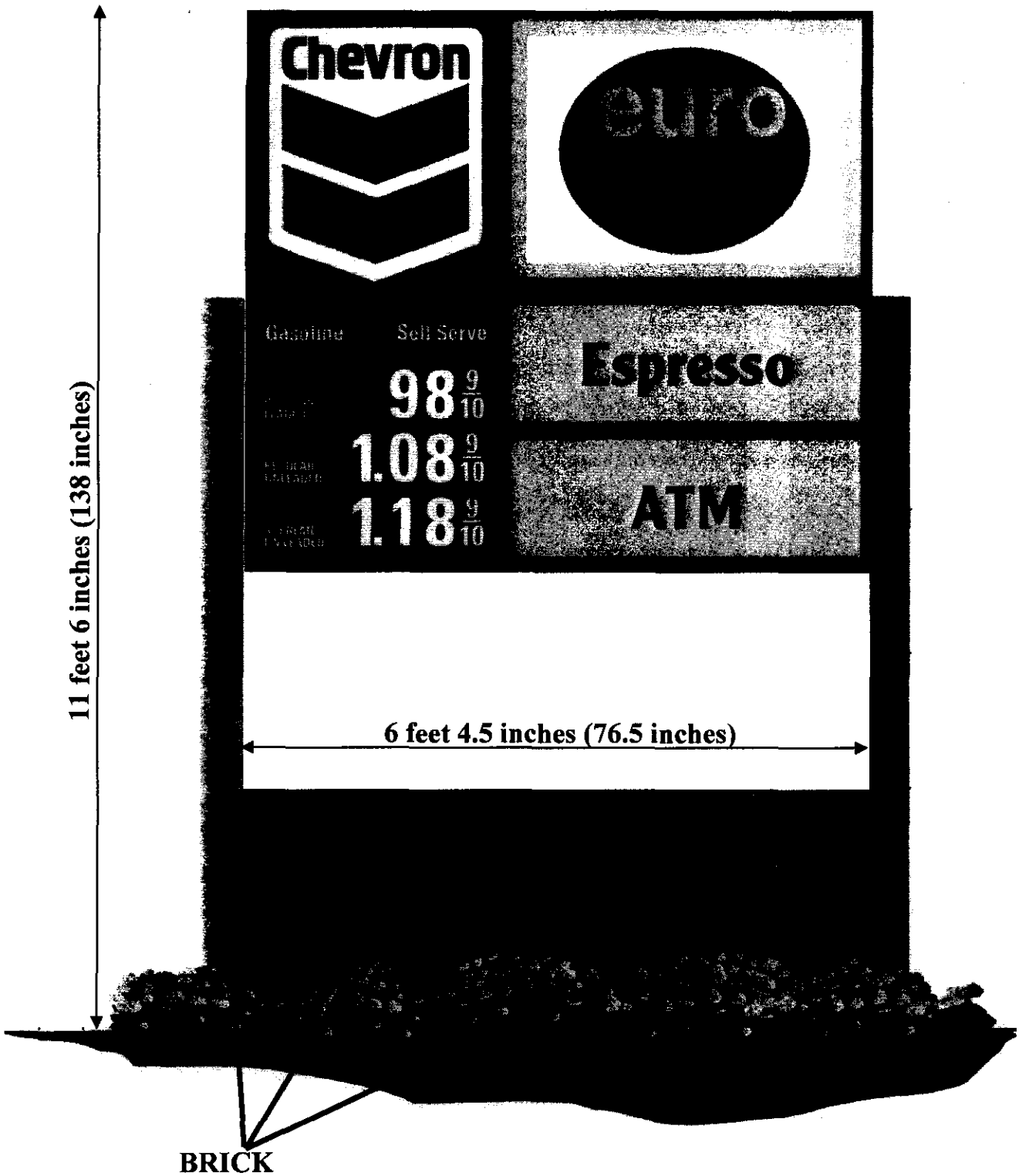
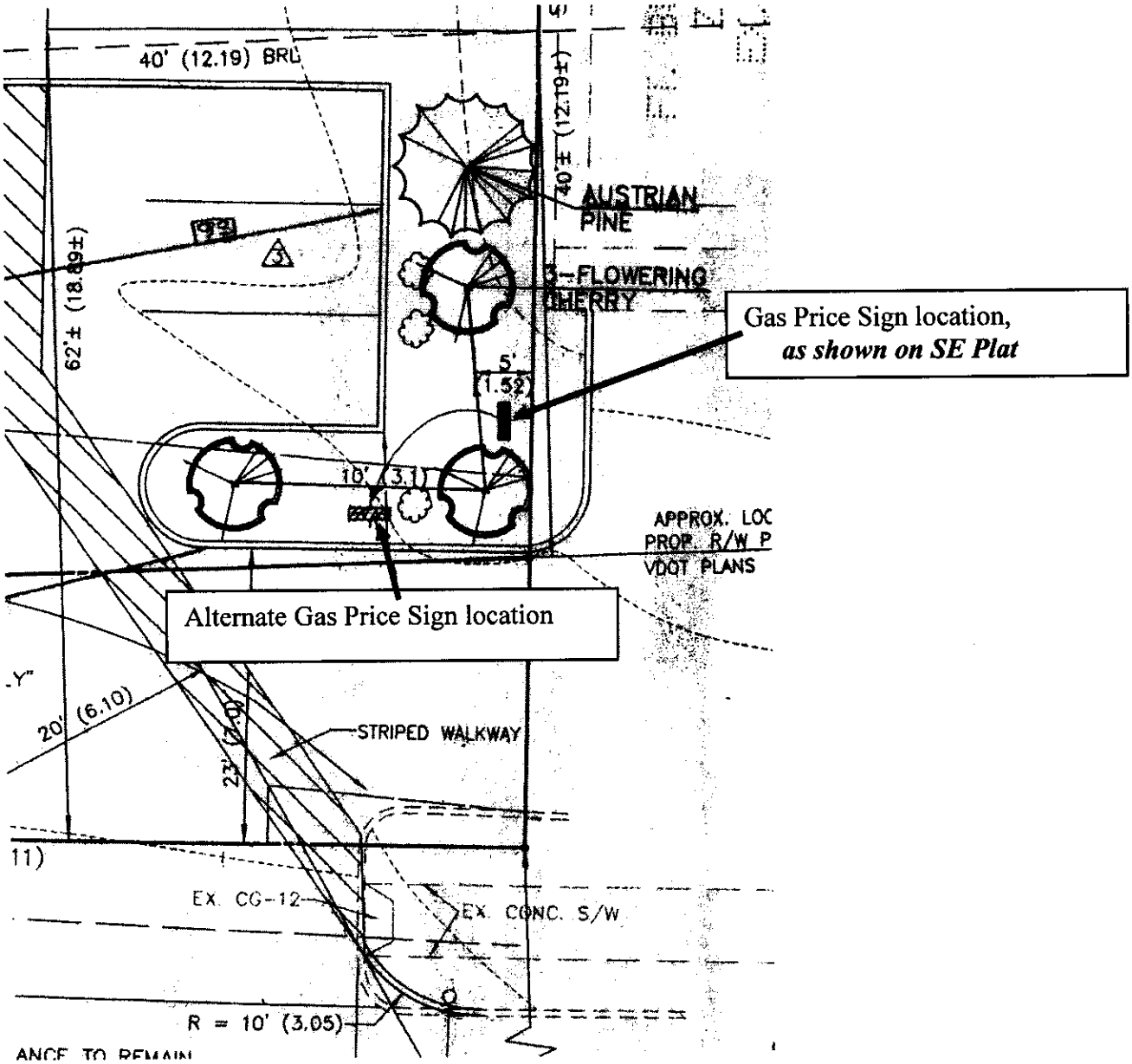
20. The construction of curb and gutter and placement of landscaping within the 24' public ingress-egress easement parallel to Route 7 as indicated on the Special Exception Plat shall not be deemed as inconsistent with the limited use easement created with the Deed of Dedication and Easement Agreement 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