



APPLICATION ACCEPTED: October 22, 2010
PLANNING COMMISSION: June 2, 2011
BOARD OF SUPERVISORS: not yet scheduled

County of Fairfax, Virginia

May 19, 2011

STAFF REPORT

APPLICATIONS SE 2010-MA-031 and SE 2010-MA-032

MASON DISTRICT

APPLICANT: Hillbrook Real Estate Holdings, LLC

PRESENT ZONING: SE 2010-MA-031 (C-5 and H-C)
SE 2010-MA-032 (R-2 and H-C)

PARCEL(S): 71-2 ((1)) 32 pt.

ACREAGE: SE 2010-MA-031: (22,651 square feet or 0.52 ac)
SE 2010-MA-032: (6,969 square feet or 0.16 ac)
Entire Site: (29,620 square feet or 0.68 ac)

FAR/DENSITY: 0.10

PLAN MAP: Retail and Other

SE CATEGORY

- Category 6: Enlargement of an existing service station in a Highway Corridor Overlay District
- Category 6: Modification of minimum yard for commercial off-street parking
- Category 6: Driveways in R Districts for uses in C Districts

PROPOSAL: The applicant has filed two applications seeking approval of three Category 6 uses to allow 1) the addition of three service bays to an existing two-bay service station, which would increase the size of the building from 1,302 square feet to 2,280 square feet; 2) an existing commercial driveway to remain on the 0.16 acre (6,969.6 square foot) residentially zoned

William O'Donnell

portion (R-2 District) of the subject property that abuts Little River Turnpike; and 3) a modification of minimum yard requirements to permit existing parking spaces to remain 3.1 feet from Columbia Road. The overall FAR on the C-5 portion of the site is proposed to increase from 0.06 to 0.10.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2010-MA-031, subject to the development conditions consistent with those found in Appendix 1 of this report.

Staff recommends approval of SE 2010-MA-032, subject to the development conditions consistent with those found in Appendix 1 of this report.

Staff recommends approval of a modification of the transitional screening and a waiver of the barrier requirements to the south, in favor of the treatment depicted on the SE plat and as conditioned.

Staff recommends approval of a modification of the trail requirements on Little River Turnpike in favor of right-of-way dedication as conditioned.

It should be noted that it is not the intent of 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.

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.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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.

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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

SE 2010-MA-031

Applicant: HILLBROOK REAL ESTATE HOLDINGS, LLC
Accepted: 11/22/2010
Proposed: ENLARGEMENT AND INCREASE IN INTENSITY OF AN EXISTING SERVICE STATION IN A HIGHWAY CORRIDOR OVERLAY DISTRICT AND MODIFICATION IN THE YARD REQUIREMENT FOR COMMERCIAL OFF-STREET PARKING SPACES

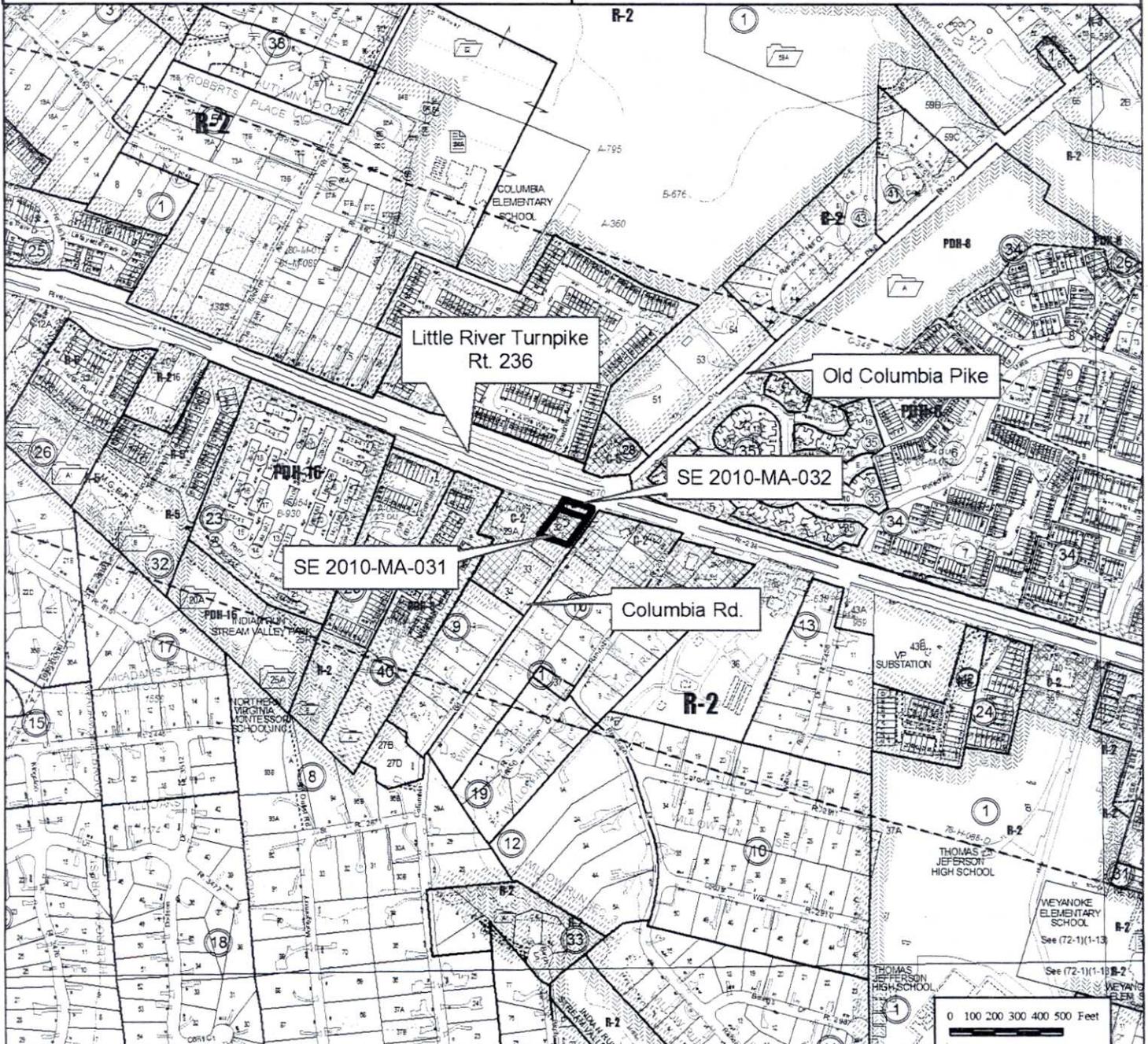
Area: 22651 SF OF LAND; DISTRICT - MASON
Zoning Dist Sect: 04-504,07-0601,09-0601
Art 9 Group and Use: 6-08 6-22
Located: 6701 LITTLE RIVER TURNPIKE
Zoning: C-5
Plan Area: 1
Overlay Dist: HC
Map Ref Num: 071-2- /01/ /0032 pt.

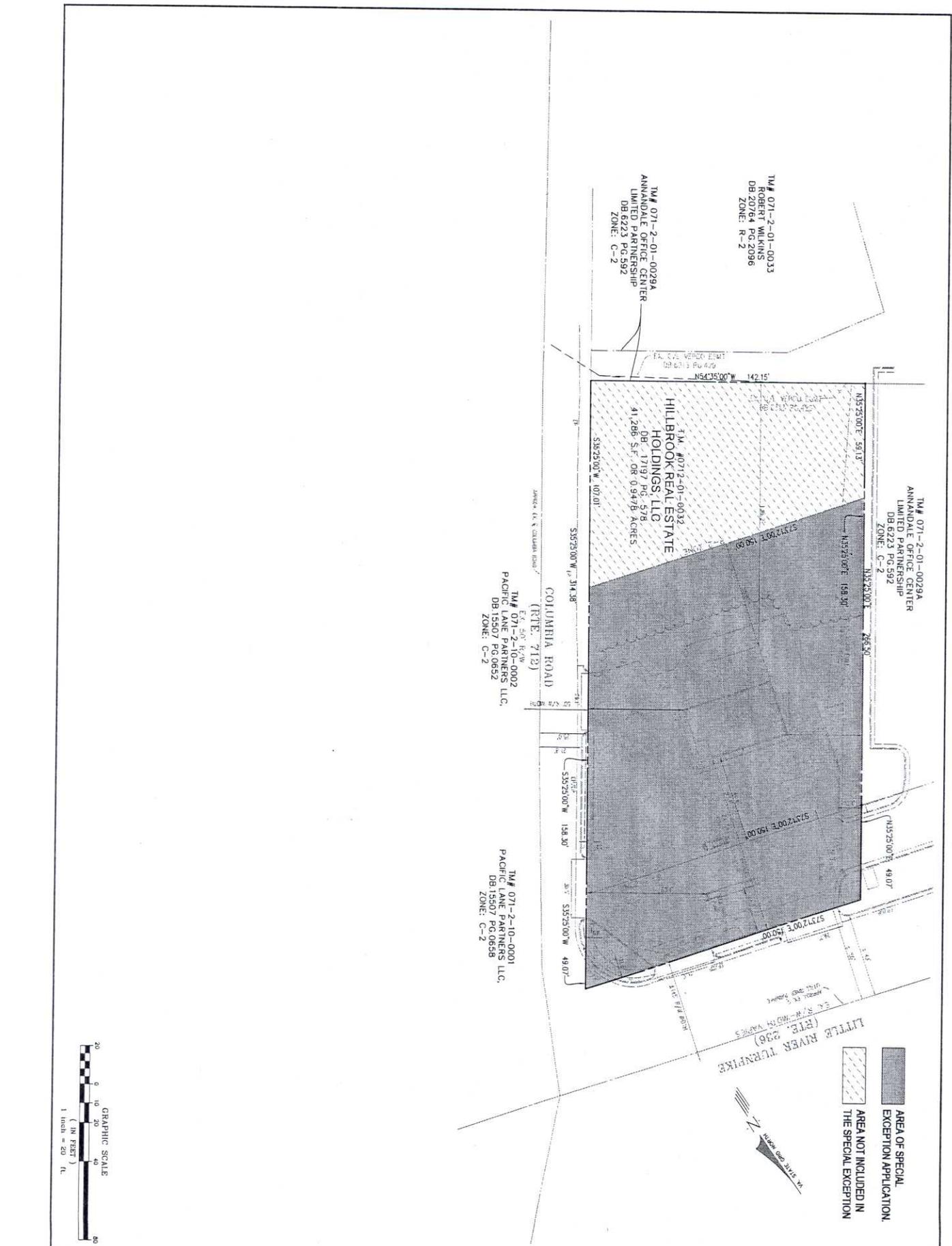
Special Exception

SE 2010-MA-032

Applicant: HILLBROOK REAL ESTATE HOLDINGS, LLC
Accepted: 11/22/2010
Proposed: DRIVEWAY FOR USES IN THE COMMERCIAL DISTRICT

Area: 6969 SF OF LAND; DISTRICT - MASON
Zoning Dist Sect: 03-0204, 09-0601
Art 9 Group and Use: 6-13
Located: 6701 LITTLE RIVER TURNPIKE
Zoning: R-2
Plan Area: 1
Overlay Dist: HC
Map Ref Num: 071-2- /01/ /0032 pt.



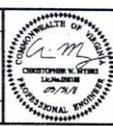


AREA OF SPECIAL EXCEPTION APPLICATION.

AREA NOT INCLUDED IN THE SPECIAL EXCEPTION.



PROPERTY MAP
6701 LITTLE RIVER TURNPIKE
PLAT OF SPECIAL EXCEPTION
MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA



Urban, Inc.
7717 Little River Turnpike
Arlington, Virginia 22203
Tel: 703.438.8888
www.urban-inc.com

PLAN DATE
07/06/10
11/05/11
02/10/11
03/31/11

No.	DATE	DESCRIPTION
REVISIONS		

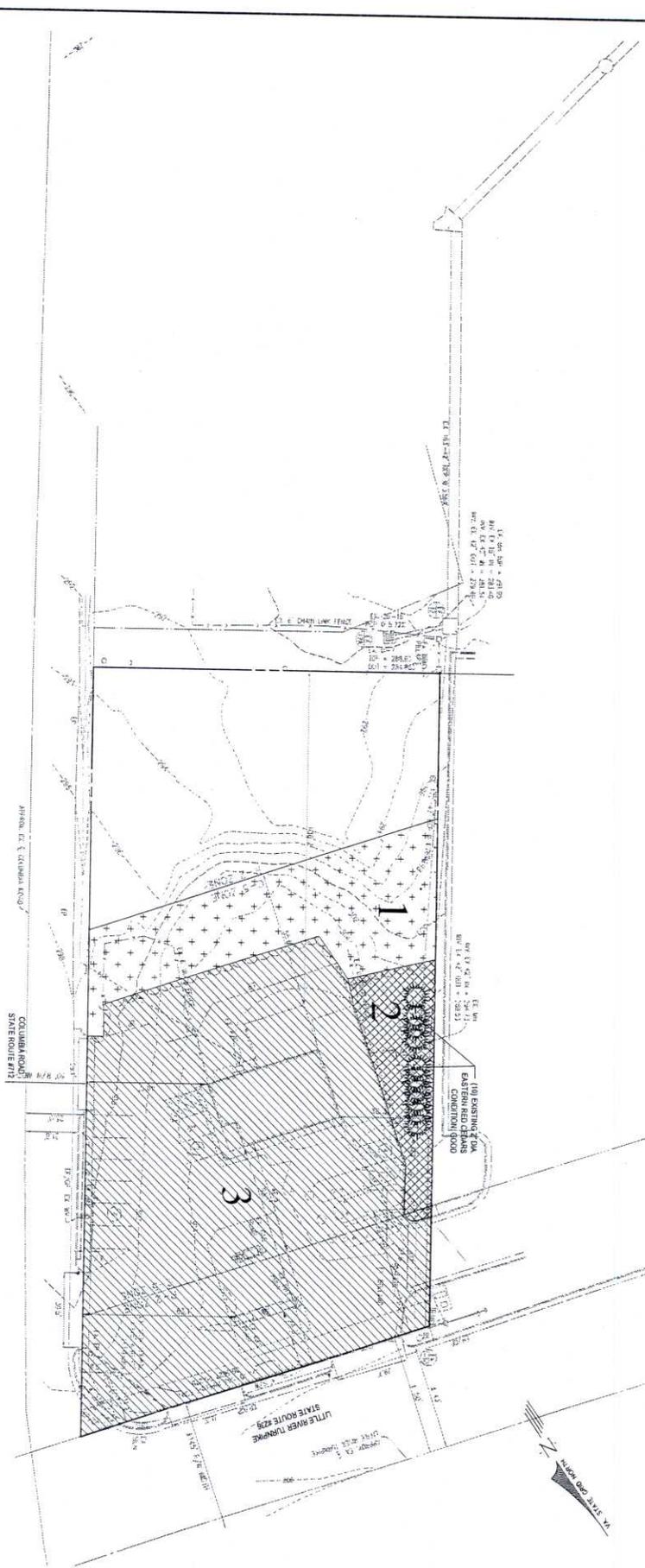
SCALE: 1"=20' PLAN DATE: JUNE, 2010

SHEET 9
FILE NO. SPEX-1500

EXISTING VEGETATION SIMILARITY

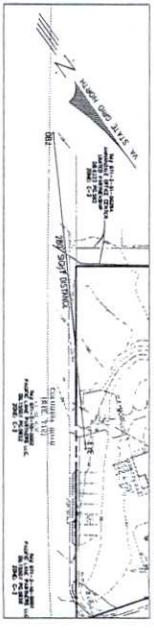
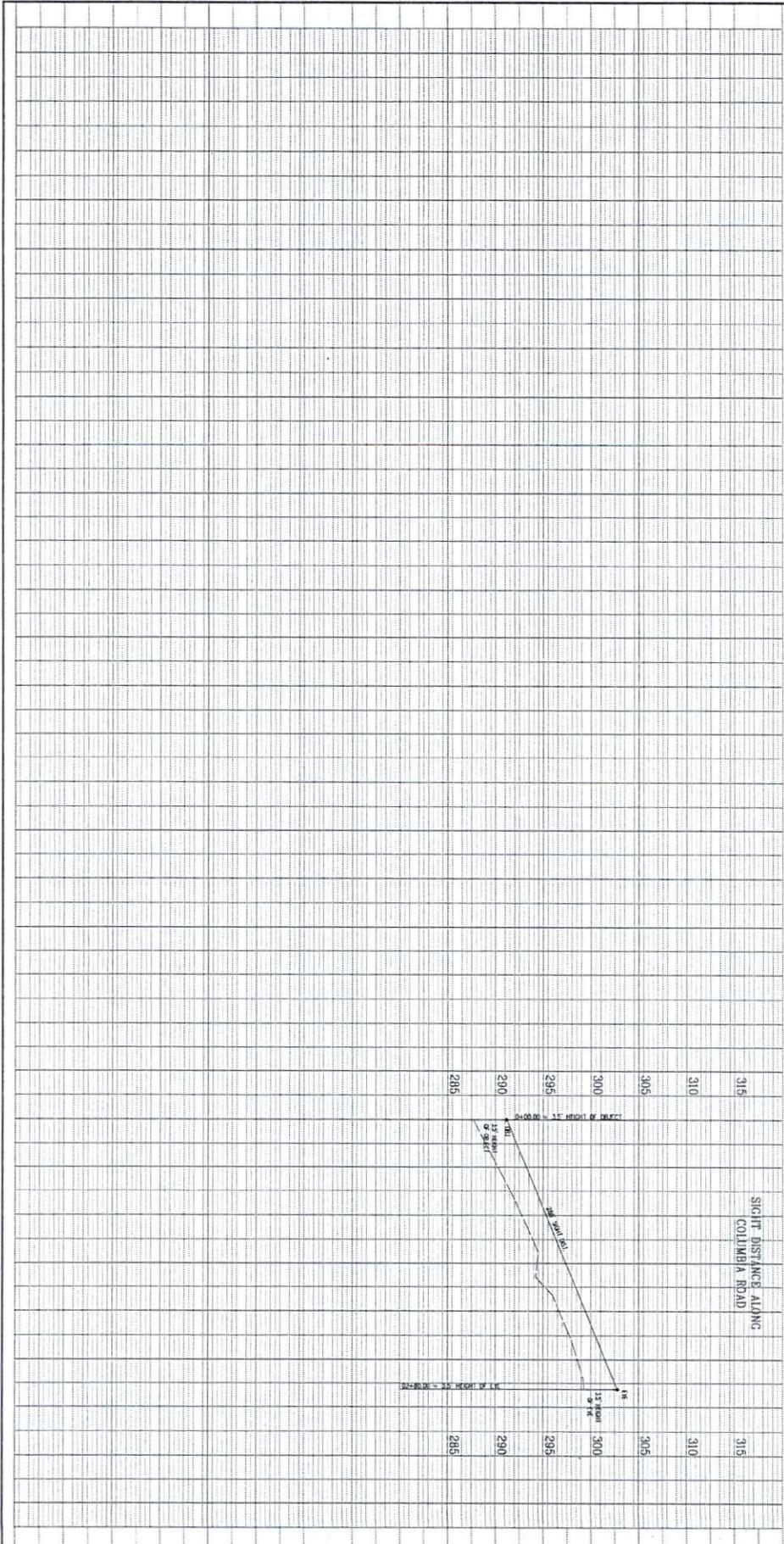
Field	Code	Plant Species	Abundance	Frequency	Notes
1	+	Common	High	Common	...
2	+	Common	High	Common	...
3	+	Common	High	Common	...

- EXISTING VEGETATION DEMONSTRATION PROVIDED BY URBAN, LTD. IN A FIELD STUDY CONDUCTED ON DECEMBER 15, 2009
- THREE STAND DEMONSTRATIONS ARE FIELD LOCATED ONLY & HAVE NOT BEEN SURVEYED



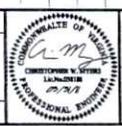
<p>EXISTING VEGETATION MAP</p> <p>6701 LITTLE RIVER TURNPIKE PLAT OF SPECIAL EXCEPTION</p> <p>MASON DISTRICT FAIRFAX COUNTY, VIRGINIA</p> <p>SCALE: 1"=40'</p>			<p>Urban, Inc. 7011 Little River Turnpike Annandale, Virginia 22002 Tel: 703.642.4000 www.urban-inc.com</p>	<p>PLAN DATE:</p> <p>07/06/10 07/13/11 02/10/11 03/31/11</p>	<p>NO. DATE DESCRIPTION</p> <p>REVISIONS</p>
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SHEET 4 OF 9
FILE NO. SHEX-1939



DATE: 07/06/10
 11/03/10
 02/10/11
 03/31/11

SIGHT DISTANCE
 6701 LITTLE RIVER TURNPIKE
 PLAT OF SPECIAL EXCEPTION
 MASON DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1"=50' PLAN DATE: JUNE, 2010



NO.	DATE	DESCRIPTION	REVISIONS

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

DESCRIPTION OF THE APPLICATION

- Proposal:** The applicant, Hillbrook Real Estate, LLC, has filed two special exception applications seeking approval of three Category 6 uses to allow: 1) the addition of three service bays to an existing two-bay service station (which would increase the size of the building from 1,302 square feet to 2,280 square feet); 2) an existing commercial driveway to remain on the 0.16 acre (6,969.6 square foot) residentially (R-2 District) zoned portion of the subject property that abuts Little River Turnpike; and 3) a modification of minimum yard requirements to permit existing parking spaces to remain 3.1 feet from Columbia Road. The overall FAR on the C-5 portion of the site is proposed to increase from 0.06 to 0.10.
- On April 30, 2010, a notice of violation was issued for the subject property because at least two additional service bays had been added to the rear of the service station without special exception approval, building permit approval or issuance of a Non-Residential Use Permit (Non-RUP). The applicant seeks approval of these special exception applications in order to bring the site into compliance and legally expand the building to include the two (reconstructed) service bays.
- Hours:** Gasoline sales: 6:00 a.m. until 10:00 p.m., seven days a week
- Auto service: 8:00 a.m. until 6:00 p.m., Monday through Saturday
- Employees:** Six employees will be on-site at any one time
- Waivers/Modifications:** Modification of the trail requirements along Little River Turnpike.

Copies of the proposed development conditions, applicant's affidavit, and applicant's statement of justification are contained in Appendices 1 through 3 of this report.

LOCATION AND CHARACTER

Site Description:

The 29,620 square foot subject property contains an existing one-story, 1,310 square foot, service station with two service bays, three fuel pumps and associated parking spaces located on Tax Map 71-2 ((1)) 32 pt. (at the southwest corner of the intersection of Little River Turnpike (Route 236) and Columbia Road (Route 2912) in the Mason Magisterial District. The property is split zoned between the R-2 and C-5 Districts: a fifty foot wide strip along the northern property line (adjacent to Little River Turnpike) is zoned R-2; a strip approximately 158 feet in depth (in the center of the property) is zoned C-5; and the southernmost portion of the lot (which is not included in the special exception applications) is zoned R-2; the entire site lies within the Highway Corridor Overlay District ("HC"). Access to the Property is currently provided by two entrances on Little River Turnpike; two entrances on Columbia Road; and one entrance to the service drive from the northwestern corner of the property. A four foot wide sidewalk is located along Little River Turnpike and Columbia Road. The surrounding area includes:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Office Use Residential Use	C-5 R-12 and PDH-8	Office Residential @ 5 to 8 du/ac
South	Residential Use	R-2	Residential @ 1 to 2 du/ac
East	Retail Use	C-5	Office
West	Office Use	C-2	Retail and Other

BACKGROUND

- On August 11, 1955, the Board of Supervisors approved rezoning 1158. This action permitted rezoning of the Property from the Rural Residence District ("R-Residence") to the Rural Business District ("R-Business"), with the exception of two areas that were not rezoned. The first area was that portion of the Property lying south of a line 200 feet from and adjacent to the right of way line of Route 236 (Little River Turnpike), which was left R-Residence as a buffer to the adjacent property owner to the south, at

that owner's request. (This is the southernmost portion of the lot which is currently zoned R-2 and which is not included in the current special exception requests) The second area was a 50 foot wide strip of land adjacent to Route 236, which was not rezoned by the Board of Supervisors as it was believed at that time to be needed for the widening of Little River Turnpike.

- On October 25, 1955, the Board of Zoning Appeals approved Use Permit 9220, to permit the erection and operation of a service station closer to a side property line and to allow pump islands closer to the street right-of-way than permitted by the Zoning Ordinance. Little River Turnpike was subsequently widened on its northern side only; consequently, the 50 foot wide strip of R-2 zoned land remains along the frontage of this lot.
- On June 28, 1960, the Board of Zoning Appeals approved Special Use Permit 8316 to permit erection of a filling station with 25 foot setback from Route 236. Pursuant to discussion that took place at this hearing, it was determined that the 50 foot wide strip of property adjacent to Rt. 236 was zoned C-N pursuant to the Pomeroy Ordinance, and that a commercial use was approved to be located within that area. ***A copy of the Board of Zoning Appeals decision summary and hearing minutes are included in Appendix 4.***
- On April 20, 2010, Zoning Administration responded to a request for clarification regarding the zoning classification of the Property in the area adjacent and parallel to Little River Turnpike. The applicant indicates that there was a conflict between the findings and discussions that took place pursuant to Special Use Permit 8316, where it had been determined that the portion of land adjacent to Little River Turnpike was zoned C-N (an outdated commercial zoning classification), and the current zoning map that depicts this area to be zoned R-2 (residential). Zoning Administration determined that "any previous mapping discrepancies were rendered moot, because the property was rezoned [in 1978, by default, when the current Zoning Ordinance was adopted and all property within the County was rezoned to reflect current zoning designations.]"

It was also determined that "it seems clear from the history of the parcel that at the time of the approval of the special permit to permit the service station and pump islands, this portion of the property was believed to be commercially zoned. The service station received site plan and building permit approval and was constructed as approved. As such, the pump islands are not a nonconforming use in the R-2 District, and are subject to Sect. 15-103 of the Zoning Ordinance. As such, the pump islands may be continued to be used but shall not be enlarged or extended, nor shall any structure alteration be made [to the pump island within the R-2 section]."

In addition, Zoning Administration indicated that a more advantageous means of bringing the site into compliance would be to rezone the R-2 portion along Little River Turnpike to the C-5 district to incorporate the land into the service station site, rather than seeking an additional SE approval and leaving the site split zoned. However, if the applicant chose not to pursue a rezoning, then the proposed special exception for the service station expansion should include a Category 6 Special Exception request to permit the service station driveway on residentially zoned land to reduce the amount of nonconformity on the site. ***A copy of this interpretation is included in Appendix 5.***

- On April 30, 2010, a notice of violation was issued to the subject property (Tax Map 71-2((1)) 32), citing the expansion of the service station use (with at least two additional service bays onto the rear of the building) without special exception approval, building permit approval or issuance of a non-residential use permit. ***The applicant seeks approval of these special exception applications to bring the site into compliance and to expand the building, including the reconstruction of the two service bays.***

COMPREHENSIVE PLAN PROVISIONS (Appendix 6)

Plan Area: Area I
Planning District: Annandale
Planning Sector: A-3 Indian Run Community Planning Sector
Plan Map: Retail and Other
Plan Text: No site specific Plan text

ANALYSIS

Special Exception (SE) Plat (copy at front of staff report)

Title of SE Plat: 6701 Little River Turnpike Plat of Special Exception

Prepared By: Urban Ltd.

Original and Revision Dates: June 2010, as revised through
March 31, 2011

The SE Plat consists of nine sheets.

Sheet 1 is the cover sheet that includes a vicinity map, sheet index, and other contact information.

Sheet 2 shows the property map and the area of special exception. Tax Map Parcel 71-2((1)) 32 is 0.95 acres. However, the applicant filed the special exception applications on a 0.68 portion of Lot 32, which is split zoned to the C-5 and R-2 Districts. The C-5 zone is 0.52 acres and the R-2 zone is 0.16 acres. (A proposed development condition requires that any site plan for this use be filed on the entire Lot 32, which will allow the entire property to be used to calculate Code requirements, such as tree cover and stormwater management.)

Sheets 3 and 4 provide soil and existing vegetation maps. Upland Forest and grassland vegetation exists on 0.18 acres of the site.

Sheet 5 is the SE Plat and includes a Plan legend, SWM minimum requirement computations, general notes, site tabulations, parking tabulations, and the angle of bulk plane. The Plat shows the existing one-story, 1,310 square foot, service station with two service bays, three fuel pumps and associated parking spaces located on Tax Map 71-2 ((1)) 32 pt. Access to the property is provided by two entrances on Little River Turnpike, two entrances on Columbia Road, and one entrance to the service drive located at the northwestern corner of the site. A four foot wide sidewalk is located along Little River Turnpike and Columbia Road.

The applicant proposes to expand the existing two-bay service station building with additional three service bays to the south, which would increase the size of the building from 1,302 square feet to 2,280 square feet. Notes 14 and 15 on the SE Plat indicate that the non-compliant building additions would be demolished and permanent structures would be constructed with pre-engineered steel structures with 3 roll up doors. In addition, the applicant seeks approval of two special exceptions to allow the existing commercial driveway on the R-2 portion of the property and the existing parking spaces to remain located 3.1 feet from Columbia Road. The overall FAR on the C-5 portion of the site is proposed to increase from 0.06 to 0.10. The eastern access point from Little River Turnpike is proposed to be closed and frontage improvements consisting of a four foot wide sidewalk and new curb and gutters will be provided. Parking on the site would meet the Zoning Ordinance requirement of 17 spaces.

Sheet 6 shows the proposed landscaping/tree preservation plan. Existing landscaping is shown in two areas on the plan; one small area which includes ten existing two inch diameter eastern red cedars in good condition located along the western property line and the second area which consists of 3,381 square feet of vegetation along the southern property line. These areas are proposed to be preserved. A larger 0.27 acre portion of Lot 32 contains existing vegetation, but is not part of the special exception application area. The applicant proposes

to record a conservation easement on this area at site plan review, and a development condition would require a common site plan to be filed on the entire lot.

Sheets 7, 8 and 9 provide adequate outfall analysis, sight distance diagrams for access points and zoning background information.

Land Use and Environmental Analysis (Appendix 6)

The Comprehensive Plan map indicates the subject property is planned for retail and other uses. While the Comprehensive Plan text provides no specific guidance for the subject property, the use in its current configuration raises concerns regarding parking, screening, travel aisles, and hours of operation. The special exception application and related revised plat provides a number of modifications in an effort to address these concerns. The structure would be expanded to include three new service bays; a portion of the site will be designated as a conservation area for water quality control; travel aisles and parking areas will be designated; and hours of operation will be limited to ensure that this use does not adversely impact surrounding uses. While the southern R-2 portion of the subject property is not part of the application, staff has noted that this area contains an extensive amount of overgrowth and invasive species. Staff has recommended a development condition to ensure that invasive species are removed.

In addition, staff also indicated that the subject property has no existing water quality or quantity control measures located on-site. The applicant is proposing the establishment of a conservation area in order to satisfy water quality control measures; in order for this area to be calculated for stormwater credit, it will need to be part of a common site plan. Staff has proposed a development condition to require a common site plan be filed for the entire lot area, including that which is not subject to the SE applications. Any final determination regarding the adequacy of water quantity and quality control measures will be subject to review and approval by staff within the Department of Public Works and Environmental Services.

No other land use or environmental issues were raised.

Urban Forest Management (Appendix 7)

Urban Forest Management reviewed the application and indicated that previously submitted comments have been adequately addressed. As the applicant is not proposing any clearing or grading activities in association with these applications, staff has proposed a modified tree preservation development condition to ensure the existing trees located along the western and southern property lines are adequately protected during construction activities on site. No other issues were identified.

Transportation Analysis (Appendix 8)

The Department of Transportation reviewed the applications and indicated that the eastern Little River Turnpike entrance should be closed and dedication of 24 feet of right-of-way should be provided for future Little River Turnpike improvements. The applicant agreed to close the eastern entrance and construct new curbs, gutters and a four foot wide sidewalk to connect to existing sidewalks along the property's frontage on Little River Turnpike and Columbia Road. In addition, the applicant has verbally agreed to dedicate right-of-way for future road improvements but is concerned that the requested dedication of 24 feet would impact the ability to use the existing service station gas pumps. As previously discussed in the background, the current setback for the gas pump island of 24.3 feet from Little River Turnpike was established with approval of a special permit in 1960. According to Section 15-101 of the Zoning Ordinance, the setbacks are not non-conforming because the setbacks were established prior to the effective date of the current Zoning Ordinance and may remain in place. Since the setbacks are not nonconforming, Sect. 2-417 of the Zoning Ordinance would allow a 20 percent reduction of a minimum yard requirement on any yard reduced in dimension below minimum requirements at any time by condemnation or by acquisition of a portion thereof for public purposes by any governmental agency. Therefore, staff recommends that the applicant dedicate the maximum amount of right-of-way that would be allowed without requiring a variance from the Zoning Ordinance. A development condition has been written to ensure that the right-of-way is dedicated during site plan review.

Stormwater Analysis (Appendix 9)

No existing water quality or quantity control measures are located on-site. The applicant is proposing the establishment of a conservation area in order to satisfy water quality control measures and plans to file a waiver for the requirement of stormwater quantity management during site plan review. Staff indicated that the waiver request would likely be granted since the new proposed impervious area is minimal (approximately 600 square feet). No other stormwater management issues were raised.

ZONING ORDINANCE PROVISIONS (Appendix 10)

The subject property is split zoned; R-2 on the northern fifty feet and C-5 on the southern portion of the application area; the entire site is within the Highway Corridor Overlay District ("HC"). The existing service station building and one of the three existing gas pump islands are located on the C-5 portion of the property and the other two gas pumps are located on the R-2 portion. As previously discussed in the background section, the two gas pumps located in the R-2 portion of the property are not a nonconforming use in the R-2 District, and are subject to Sect.15-103 of the Zoning Ordinance. The pump islands may continue

to be used but shall not be enlarged or extended, nor shall any structural alteration be made to the pump island within the R-2 section. In addition, the existing setback from Little River Turnpike for the gas pump islands in the R-2 portion of the property (which is 24.3 feet from the front yard) does not meet current R-2 District setback requirements. However, since the setback was established prior to the effective date of the current Zoning Ordinance, the gas pump islands may remain, subject to Sect. 15-101 of the Zoning Ordinance.

The chart below lists the bulk regulations applicable to the proposal on the C-5 portion of the property.

Bulk Standards C-5		
Standard	Required C-5	Provided C-5
Lot Size	40,000 sq. ft.	29,620 sq. ft.*
Lot Width	200 ft.	150 ft. (Little River Tpk)* 190 ft. (Columbia Rd)*
Max. Building Height	40 ft.	40 ft.
Front Yard	45° ABP, but not less than 40 ft.	Service Station 93.1 ft. (Little River Turnpike) 43.3 ft. (Columbia Road) Gas Pumps
FAR	0.30	0.10
Open Space	20% landscaped open space	23%
Parking	17 spaces	17 spaces
Transitional Screening (C-5 Zoning)		
Standard	Required	Provided
South (R-2)	TS 3 – 50 feet	30 foot wide vegetative buffer area along the southern property line zoned C-5 and a 60 to 105 foot wide vegetative buffer on the R-2 portion of the lot that is not part of the application area but is owned by the applicant, and will be required to be part of the site plan by the proposed development conditions. A conservation area is proposed to be recorded on this area.
South (R-2)	E, F or G – 6 foot tall wall (brick or architectural block), chain link fence with inserts, or solid fence.	6 foot fence along the southern property line

*As shown in the chart above, the proposal conforms to all of the minimum bulk regulations for the C-5 portion of the property except for the lot size and lot width. However, Section 2-405 of the Zoning Ordinance indicates that if a lot was recorded prior to the effective date of this Ordinance, and said lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot, either as a single lot or in combination with other such lots pursuant to a Building Permit, may be used for any use permitted in the zoning district in which located under this Ordinance even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Ordinance can be satisfied. The lot which is the subject of this application was recorded prior to the effective date of the Zoning Ordinance, and as has been previously discussed, the use is in compliance with Sect. 15-103 of the Zoning Ordinance.

Waivers and Modifications:

Modification of transitional screening and a waiver of the barrier requirements

The subject property was originally rezoned prior to ordinance revisions which now require transitional screening; in order to provide a buffer for the residential property to the south, the property was split zoned, and the southern portion of the lot (which is not a part of these applications) was left in a residential district. The Zoning Ordinance now requires a 30-foot wide transitional screening area and a barrier wall or fence adjacent to the property lines bordering the residential properties to the south (Par. 2; Sect. 13-302). The SE plat depicts a 30-foot wide vegetative buffer area along the southern line of the C-5 zoned portion of the site, and a 60 to 105 foot wide vegetative buffer on the R-2 portion of the lot that is not part of the SE application area, but is owned by the applicant. A conservation easement has also been proposed for this portion of the site. While staff believes the intent and function of the required transitional screening will be met with these applications, if the proposed development conditions are imposed, a modification of the transitional screening requirement and a waiver of the barrier requirement along the southern boundary of the SE site are required. Staff finds that the site is adequately screened from the residential properties to the south and supports the requested modification and waiver in favor of the proposed landscaping plan, and development conditions.

Waiver of the on-road pedestrian and bike trail along Little River Turnpike

FCDOT Bike and Pedestrian staff have reviewed the waiver requests and have indicated that they do not object to granting a waiver for the on-road bike lanes based on the following circumstances:

The applicant is proposing to construct a sidewalk along the site frontage from the eastern edge of the west entrance to the intersection of Columbia Road/Old Columbia Pike. The Trails Plan, approved by the BOS on 6/17/2002, delineates a

major paved trail and on-road bike lanes on Little River Turnpike as well as a major paved trail on Columbia Road/Old Columbia Pike; however the actual location of the trail is not specified (please note that the Trails Section in the Comprehensive Plan refers to the larger Countywide Trails Plan Map and does not provide specific recommendations). Field review indicates that there are existing segments of a trail on the north side of Little River Turnpike, while the southern side consists primarily of concrete sidewalk. Based on the SE plat and discussions with staff, the applicant has verbally agreed to dedicate additional right-of-way for future road improvements. A dedication of nineteen feet from the existing right-of-way line could accommodate an additional travel lane and bike lane as required by the Plan. Although the applicant has expressed willingness, in principle, to dedicate the required amount, as previously discussed, the zoning history and legal standing of this site is somewhat unique, and the applicant is concerned about the impact of the full dedication on the property's legal status. Should the applicant dedicate the full nineteen feet as required for the planned improvements, it would force the applicant to apply for a variance. Staff understands the applicant's concerns and has proposed a development condition that would require the applicant to dedicate as much land as possible without triggering the need for a variance. While this amount will fall short of the amount needed for future improvements, staff recognizes the burden that would be placed on the applicant by requiring additional dedication at this time. The applicant has been advised that, in this future, should this property re-develop or seek further intensification, additional right-of-way may be required. In addition, the applicant is proposing to close an entrance on Little River Turnpike closest to the intersection with Columbia Road/Old Columbia Pike. Please note that this waiver recommendation is specific to this special exception. Any changes will require a re-evaluation by FCDOT Bike and Pedestrian staff.

Other Zoning Ordinance Requirements

The proposal is subject to a number of Zoning Ordinance provisions, which include: Sect. 9-006 (General Special Exception Standards), Sect. 9-611 (Provisions for Approving Service Stations in a Highway Corridor Overlay District), Sect 9-505 (Additional Standards for Service Stations), Sect 9-601 (Driveways for uses in a C or I district), and Sect 9-601 (Modification of minimum yard requirements for certain existing structures and uses)

Sect. 9-006 (General Special Exception Standards)

Par. 1 requires that the proposed use be in harmony with the Comprehensive Plan. The Comprehensive Plan map indicates that the subject property is planned for retail and other uses with no site specific recommendations. The applicant proposes to expand an existing service station to provide a total of five service bays. Staff finds that this standard is satisfied.

Par. 2 requires that the proposed use be in harmony with the purpose and intent of the zoning district. As shown in the Bulk Standards for C-5 District Chart and with the imposition of the proposed development conditions, the application satisfies all applicable Zoning Ordinance provisions; therefore, this standard has been met.

Par. 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. It further states that 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. The applicant proposes to add three service bays to an existing two-bay service station, which would increase the size of the building from 1,302 square feet to 2,280 square feet. The abutting properties to the west and east are commercially zoned and the property to the south is zoned R-2. Given the existence of the 30-foot vegetative buffer area along the southern property line zoned C-5 and a 60 to 105 foot wide vegetative buffer on the R-2 portion of the lot that is not part of the application area but owned by the applicant, staff believes the proposed application will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. The proposed development conditions would require that a common site plan be filed on the entire area of Lot 32 and that a conservation easement be recorded on the R-2 portion of the lot which is not part of the SE applications. Therefore, this standard has been met.

Par. 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. Proposed improvements include the removal of the eastern access point from Little River Turnpike and the construction of a 4 foot wide sidewalk along the property's frontage on Little River Turnpike. The applicant has also agreed to dedicate additional right of way towards what will be needed for future road improvements along Little River Turnpike. Staff finds that this standard has been satisfied with the imposition of the proposed development conditions.

Par. 5 states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. As previously mentioned, a 30-foot vegetative buffer area along the southern property line zoned C-5 and a 60 to 105 foot wide vegetative buffer (on the off-site R-2 portion of the lot) is provided. Development conditions have been written to ensure that a site plan will be filed on the entire lot, which will ensure that these areas are preserved. With imposition of the development conditions, staff finds this standard has been met.

Par. 6 states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. The open space requirement for the C-5 district is 20 percent; 21 percent of the site (including the R-2 portion of the property along Little River Turnpike) and 23 percent (not including the R-2 portion) will be open space. No open space is required in the R-2 portion. This standard will be satisfied with the imposition of the development conditions.

Par. 7 states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. As discussed previously, the applicant is proposing to record a conservation easement to meet the BMP requirements on the site and is proposing to meet the minimum parking requirements on the site. Staff feels that with the imposition of the proposed development conditions, this standard will be met.

Par. 8 states that 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. A development condition has been written to ensure that the applicant will comply with Article 12 of the Zoning Ordinance. Through the imposition of the development conditions, this standard would be met.

Sect. 9-611: Provisions for Approving Service Stations in a Highway Corridor Overlay District

Section 9-611 states that “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, 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.”

Section 7-608 imposes additional use limitations on uses, including service stations, in the Highway Corridor Overlay District. Such uses should be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties and so as to not impede traffic on a public street intended to carry through traffic. The SE Plat shows a combination of existing and proposed sidewalks along the frontages of Little River Turnpike and Columbia Road. The applicant is also proposing to remove an existing access point from Little River Turnpike, and to reconstruct the frontage in this area.

In addition, Section 7-608 indicates that service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of 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, there shall be no more than two (2) such vehicles on site at any one

time. Development Conditions have been written to articulate these standards. With imposition of the proposed development conditions, staff believes that the use limitations have been met.

Sect 9-505: Additional Standards for Service Stations

Par. A requires that all sides of the proposed building include the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated. The applicant proposes to expand the rear portion of the existing service station building and a small portion the northeast corner of the building. A development condition has been written to ensure that the expansion area is constructed with similar type of materials as the existing building. Note 15 on Sheet 5 indicates that the repair bays will be constructed with pre-engineered steel with 3 roll-up doors. With imposition of the proposed development conditions, this standard has been satisfied.

Par. B requires the service station to be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties. Existing and proposed sidewalks are located along Little River Turnpike and an existing inter-parcel access to the west is provided. The applicant has also verbally agreed to dedicate additional right-of-way along Little River Turnpike for future road improvements/on-road bike lanes. As conditioned, this standard has been satisfied.

Par. C requires the use to be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site. The applicant proposes to restripe the entire parking area to ensure that a formal circulation pattern is created on the site and is not obstructed. The number of parking spaces on the site is proposed to meet the minimum required by the Zoning Ordinance. Staff feels that this standard has been met.

Par. D requires sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors. Development conditions have been written to ensure that there are appropriate limitations for hours of operation and that lighting is in conformance with Part 9 of Article 14 of the Zoning Ordinance to prevent glare.

Sect 9-601: Driveways for uses in a C or I district

The Board may approve, as a Category 6 special exception use, the location of a driveway on residentially zoned land, for a commercial or industrial use, but only in accordance with the following:

- 1) it shall be determined that no other means of access is reasonably available; or the proposed access will result in a minimized traffic impact on the streets in the vicinity.
- 2) it shall be determined that the proposed driveway will not unduly impact the use or development of adjacent properties in accordance with the adopted comprehensive plan.

As previously discussed, the service station was previously permitted on the site with two access points from Little River Turnpike and one inter-parcel access on land that is now zoned R-2. The applicant proposes to remove one of those access points from Little River Turnpike and seeks approval of this special exception. Staff supports the continuation of the driveway in the R-2 portion of the property under these circumstances.

Sect 9-601: Modification of minimum yard requirements for certain existing structures and uses

The Board may approve, only in conjunction with the approval of a rezoning or special exception for another use, a modification of any yard requirement for an existing structure or use, including but not limited to principal and accessory structures and off-street parking spaces, but only in accordance with the following:

- 1) It shall be demonstrated that the existing structure or use complied with the minimum required yards in effect when the use was established and that the yards have not been reduced to less than the yards required by this Ordinance since the effective date of this Ordinance, except by condemnation or by acquisition for public purposes by any governmental agency.
- 2) The Board may impose such conditions as it deems necessary, to include landscaping and screening, to minimize the impact of the existing structure or use on adjacent properties.

As discussed in the background, the service station was previously permitted with parking spaces located approximately 3.1 feet from Columbia Road. No change is proposed to these spaces, and Staff supports the modification under these circumstances.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Staff concludes that the proposed modifications to the existing service station use, and the related requests for a driveway in a residential district and a modification of the minimum yard requirements are in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions, subject to the imposition of the proposed development conditions.

Recommendations

Staff recommends approval of SE 2010-MA-031, subject to the development conditions consistent with those found in Appendix 1 of this report.

Staff recommends approval of SE 2010-MA-032, subject to the development conditions consistent with those found in Appendix 1 of this report.

Staff recommends approval of a modification of the transitional screening and a waiver of the barrier requirements to the south, in favor of the treatment depicted on the SE plat and as conditioned.

Staff recommends approval of a modification of the trail requirements on Little River Turnpike in favor of right-of-way dedication as conditioned.

It should be noted that it is not the intent of Staff to recommend that the Board of Supervisors, 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.

The approval of this Special Exception does not interfere with, abrogate or annul any easement, 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 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. Special Use Permit 8316 Decision Summary and BZA Minutes
5. Zoning Administration Interpretation
6. Land Use/ Environmental Analysis
7. Urban Forest Management Analysis
8. Transportation Analysis
9. Stormwater Management Analysis
10. Applicable Zoning Ordinance Provisions
11. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SE 2010-MA-031 and SE 2010-MA-032

May 19, 2011

If it is the intent of the Board of Supervisors to approve SE 2010-MA-031 to permit the enlargement and increase in intensity of an existing service station in a Highway Corridor Overlay District and a modification of the minimum yard requirements for commercial off-street parking and SE 2010-MA-032 to permit a driveway for commercial uses in an R District, all located at Tax Map 71-2 ((1)) 32 pt., pursuant to Sects. 4-504, 7-601, 9-601 and 3-204 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede any previous conditions on the property:

1. These Special Exceptions are granted for and run with the land indicated in this application and are not transferable to other land.
2. These Special Exceptions are granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with these applications, as qualified by these development conditions.
3. These Special Exceptions are 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 these special exceptions shall be in substantial conformance with the approved Special Exception Plat entitled "6701 Little River Turnpike Plat of Special Exception," prepared by Urban and dated July 6, 2010, as revised through March 31, 2011 and these conditions. Minor modifications to the approved special exceptions may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance. Any site plan filed pursuant to these conditions shall be filed on the entire Tax Map 71-2 ((1)) 32, which includes the southern portion of the lot which is not subject to these special exception applications.
4. Best Management Practices (BMPs) in accordance with the requirements of the Public Facilities Manual shall be provided on-site as determined by DPWES. The BMP requirements may be met, in whole or in part, by the vacant area on the southern portion of Tax Map 71-2 ((1)) 32, which is zoned R-2 and shown on the SE Plat a proposed conservation easement. A conservation easement shall be recorded on this area in a form approved by the County Attorney, with the Board of Supervisors named as the grantee of the easement. Alternative methods of providing BMPs may be provided to meet Fairfax County standards if the BMP described above cannot be provided or does not satisfy fully the County's BMP requirements. The alternative methods of providing BMPs shall be in substantial conformance with the SE Plat; if the alternative methods cannot be provided in substantial conformance with the SE Plat, approval of a special exception amendment may be required.

5. Parking spaces shall meet the provisions of Article 11 of the Zoning Ordinance and the geometric design standards in the Public Facilities Manual, as determined by DPWES; a parking tabulation which demonstrates that parking requirements are met shall be submitted to DPWES prior to issuance of a Non-Residential Use Permit (Non-RUP).
6. All vehicles on the property shall be parked in delineated parking spaces as shown on the SE Plat.
7. Notwithstanding that shown on the SE Plat, right-of-way along the property's frontage on Little River Turnpike shall be dedicated to the Board of Supervisors to the maximum extent possible without creating the need for a variance. All dedications shall be in fee simple for public street purposes, for no consideration, monetary or otherwise, and shall occur prior to site plan approval.
8. The hours of operation shall be limited to 6:00 A.M. to 10:00 PM daily, for gas sales and 8:00 AM to 6:00 PM Monday through Saturday, for auto service.
9. No major mechanical or body work; repair of transmissions or differentials; straightening of body parts; painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations, or to an extent that the use would be considered a Vehicle Major Service Establishment by the County of Fairfax, shall be permitted.
10. In no event shall any one abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding 72 hours.
11. All servicing of vehicles shall be performed within an enclosed service bay and shall not be performed elsewhere on the Property, except for limited procedures such as changing windshield wipers or filling tires with air. Doors to the service bays shall be closed when performing any service that generates excessive noise.
12. There shall be no outside storage of materials except for the outdoor storage or display of goods permitted at a service station by the Zoning Ordinance, which is a maximum of fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale
13. A six foot tall, board on board fence shall be installed between the service bays and the wooded area to the south in order to prevent trash from entering into the woods. The fence line shall be monitored and uncontained trash, if present on the property and/or along the fence line, shall be disposed of daily.
14. The exterior design, building materials and colors used in the service station expansion shall be generally consistent with the exterior building materials of the existing service station building as approved by the Department of Public Works and Environmental Services (DPWES). Photographic documentation

and any additional materials which DPWES requires to make such a determination shall be provided by the applicant with submittal of a building permit.

15. Prior to site plan approval, an Invasive Vegetation Removal Plan for the southern portion of Tax Map 71-2 ((1)) 32 zoned R-2 shall be submitted for review and approval by Urban Forest Management (UFM), DPWES. The recommendations of this plan shall be implemented to the satisfaction of UFMD, DPWES prior to the issuance of a Non-RUP.
16. Landscaping shall be provided in general as shown on Sheet 6 of the SE Plat. The exact number, size and spacing of trees and other plant materials shall be submitted at the time of final site plan review and shall be subject to the review and approval UFM.
17. The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE Plat, subject to allowances specified in these conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and trails in areas protected by the limits of clearing and grading as shown on the SE Plat, they shall be located in the least disruptive manner necessary, as determined by the UFMD, DPWES. A replanting Plan shall be developed and implemented, subject to approval by UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

All trees shown to be preserved on the SE plat shall be protected by tree protection fencing. Prior to any demolition or land-disturbing activity on the site, tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading as shown on the SE plat. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES. If it is determined to be necessary by UFMD, DPWES at the time of the inspection, the Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure that the existing vegetation on site is adequately protected, as determined by UFMD, DPWES.

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 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 twenty four (24) 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 of 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 22, 2011
 (enter date affidavit is notarized)

I, Inda E. Stagg, agent, 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

110459a

in Application No.(s): SE 2010-MA-031
 (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.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Hillbrook Real Estate Holdings, LLC Agent: Kwan S. Choi	6701 Little River Turnpike Annandale, VA 22003	Applicant/Title Owner of Tax Map 71-2 ((1)) 32
Somerville Management Group, Inc. Agent: Andrew J. Somerville, III	6715 Little River Turnpike; Suite 100 Annandale, VA 22003	Agent for Applicant/Title Owner
Urban Engineering & Associates, Inc. t/a Urban Ltd. Agents: David T. McElhane Christopher W. Myers Adil H. Chauhan	7712 Little River Turnpike Annandale, Virginia 22003	Engineers/Agent

(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 Attachment to Par. 1(a)

DATE: March 22, 2011
 (enter date affidavit is notarized)

110459a

for Application No. (s): SE 2010-MA-031
 (enter County-assigned application number (s))

(NOTE: All relationships to the application 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.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. W. Bowyer Megan C. Rappolt f/k/a Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
M.J. Wells & Associates, Inc. Agents: Robin L. Antonucci William F. Johnson Lester E. Adkins, III	1420 Spring Hill Road, Suite 600 McLean, Virginia 22102	Transportation Consultant/ Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 22, 2011
(enter date affidavit is notarized)

110459 a

for Application No. (s): SE 2010-MA-031
(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) Hillbrook Real Estate Holdings, LLC
6701 Little River Turnpike
Annandale, VA 22003

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)
Kwan S. Choi, Manager

(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: March 22, 2011
(enter date affidavit is notarized)

110459a

for Application No. (s): SE 2010-MA-031
(enter County-assigned application number (s))

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

Somerville Management Group, Inc.
6715 Little River Turnpike; Suite 100
Annandale, VA 22003

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)

Andrew J. Somerville, III

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

Urban Engineering & Associates, Inc. t/a Urban Ltd.
7712 Little River Turnpike
Annandale, Virginia 22003

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)

Barry B. Smith
J. Edgar Sears, Jr.
Brian A. Sears

(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 Attachment to Par. 1(b)

DATE: March 22, 2011
(enter date affidavit is notarized)

110459 ~

for Application No. (s): SE 2010-MA-031
(enter County-assigned application number (s))

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

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

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)

David J. Bomgardner, E. Andrew Burcher,	J. Randall Minchew,
Thomas J. Colucci, Peter M. Dolan, Jr., Jay	M. Catharine Puskar, John E. Rinaldi,
du Von, Jerry K. Emrich, William A.	Lynne J. Strobel, Garth M. Wainman,
Fogarty, John H. Foote, H. Mark Goetzman,	Nan E. Walsh, Martin D. Walsh
Bryan H. Guidash, Michael D. Lubeley,	

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

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, Virginia 22102

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)

M.J. Wells & Associates, Inc. Employee
Stock Ownership Trust. All employees are
eligible plan participants; however, no one
employee owns more than 10% of any class
of stock.

(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: March 22, 2011
(enter date affidavit is notarized)

110459a

for Application No. (s): SE 2010-MA-031
(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)
None

(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: March 22, 2011
(enter date affidavit is notarized)

110459 a

for Application No. (s): SE 2010-MA-031
(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: March 22, 2011
(enter date affidavit is notarized)

110459a

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.)

None

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:

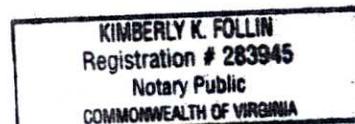
(check one) [] Applicant Inda E. Stagg [x] Applicant's Authorized Agent

Inda E. Stagg, agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 22 day of March, 2011, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2011



SPECIAL EXCEPTION AFFIDAVIT

DATE: March 22, 2011
(enter date affidavit is notarized)

I, Inda E. Stagg, agent, 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

110460a

in Application No.(s): SE 2010-MA-032
(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.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Hillbrook Real Estate Holdings, LLC Agent: Kwan S. Choi	6701 Little River Turnpike Annandale, VA 22003	Applicant/Title Owner of Tax Map 71-2 ((1)) 32
Somerville Management Group, Inc. Agent: Andrew J. Somerville, III	6715 Little River Turnpike; Suite 100 Annandale, VA 22003	Agent for Applicant/Title Owner
Urban Engineering & Associates, Inc. t/a Urban Ltd. Agents: David T. McElhane Christopher W. Myers Adil H. Chauhan	7712 Little River Turnpike Annandale, Virginia 22003	Engineers/Agent

(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 Attachment to Par. 1(a)

DATE: March 22, 2011
(enter date affidavit is notarized)

110460a

for Application No. (s): SE 2010-MA-032
(enter County-assigned application number (s))

(NOTE): All relationships to the application 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.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. W. Bowyer Megan C. Rappolt f/k/a Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
M.J. Wells & Associates, Inc. Agents: Robin L. Antonucci William F. Johnson Lester E. Adkins, III	1420 Spring Hill Road, Suite 600 McLean, Virginia 22102	Transportation Consultant/ Agent

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 22, 2011
(enter date affidavit is notarized)

110460a

for Application No. (s): SE 2010-MA-032
(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) Hillbrook Real Estate Holdings, LLC
6701 Little River Turnpike
Annandale, VA 22003

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)
Kwan S. Choi, Manager

(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: March 22, 2011
(enter date affidavit is notarized)

1104600

for Application No. (s): SE 2010-MA-032
(enter County-assigned application number (s))

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

Somerville Management Group, Inc.
6715 Little River Turnpike, Suite 100
Annandale, VA 22003

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)

Andrew J. Somerville, III

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

Urban Engineering & Associates, Inc. t/a Urban Ltd.
7712 Little River Turnpike
Annandale, Virginia 22003

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)

Barry B. Smith
J. Edgar Sears, Jr.
Brian A. Sears

(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 Attachment to Par. 1(b)

DATE: March 22, 2011
(enter date affidavit is notarized)

110460 a

for Application No. (s): SE 2010-MA-032
(enter County-assigned application number (s))

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

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

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)

David J. Bomgardner, E. Andrew Burcher,	J. Randall Minchew,
Thomas J. Colucci, Peter M. Dolan, Jr., Jay	M. Catharine Puskar, John E. Rinaldi,
du Von, Jerry K. Emrich, William A.	Lynne J. Strobel, Garth M. Wainman,
Fogarty, John H. Foote, H. Mark Goetzman,	Nan E. Walsh, Martin D. Walsh
Bryan H. Guidash, Michael D. Lubeley,	

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

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, Virginia 22102

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)

M.J. Wells & Associates, Inc. Employee
Stock Ownership Trust. All employees are
eligible plan participants; however, no one
employee owns more than 10% of any class
of stock.

(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: March 22, 2011
(enter date affidavit is notarized)

110460 a

for Application No. (s): SE 2010-MA-032
(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)
None

(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: March 22, 2011
(enter date affidavit is notarized)

1104600

for Application No. (s): SE 2010-MA-032
(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: March 22, 2011
(enter date affidavit is notarized)

110460a

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.)
None

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:

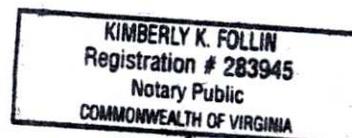
(check one) [] Applicant Inda E. Stagg [x] Applicant's Authorized Agent

Inda E. Stagg, agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 22 day of March, 2011, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2011





Inda E. Stagg
 Land Use Coordinator
 (703) 528-4700 Ext. 5423
 istagg@arl.thelandlawyers.com

WALSH COLUCCI
 LUBELEY EMRICH
 & WALSH PC

July 13, 2010

RECEIVED
 Department of Planning & Zoning
 JUL 19 2010
 Zoning Evaluation Division

Via Hand Delivery

Regina C. Coyle
 Director, Fairfax County DPZ/ZED
 12055 Government Center Parkway, Suite 801
 Fairfax, Virginia 22035

Re: Statement of Justification
 Hillbrook Real Estates Holdings, LLC (the "Applicant")
 6701 Little River Turnpike
 TM 71-2 ((1)) 32 pt. (the "Property")

Dear Ms. Coyle:

The Applicant is the owner of a service station, which has been in operation on the Property since 1961. This service station has been very successful and must expand in order to keep up with the requests for service. The Property is zoned R-2 pt., C-5 pt. and HC. In order to expand the use in these zoning districts, approval of three Category 6 Special Exception requests is required. Please accept this letter as justification for these requests.

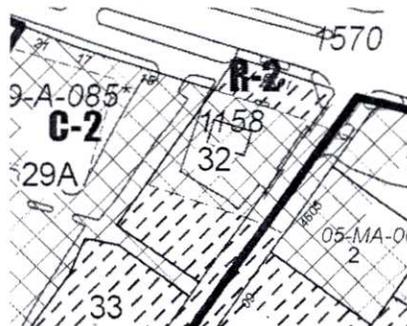
The first special exception request is to permit the addition of three service bays to an existing two-bay service station on the 0.52 acre (22,651.2 square foot) commercially zoned portion of the Property. The second special exception request is to permit an existing commercial driveway to remain on the 0.16 acre (6,969.6 square foot) residentially zoned portion of the Property that abuts Little River Turnpike. The third special exception request is to permit a modification of minimum yard requirements to permit existing parking spaces to remain. No special exception application is being filed or requested for the Property's southernmost section of residentially zoned land.

Property Location, Current Zoning and Current Use

The Property is located in the southwest quadrant of the intersections of Little River Turnpike (Route 236) and Columbia Road (Route 2912) in the Mason Magisterial District. It is zoned R-2 on the northern and southern portions of the Property, C-5 between the residential sections, and is in the Highway Corridor Overlay District ("HC"). (Please see the "History" section of this Statement for an explanation of this unusual split zoning.)

Currently, access to the Property is via two entrances on Little River Turnpike, two entrances on Columbia Road, and one entrance to the service drive on the northwestern portion of the Property. A four foot wide sidewalk is located along Little River Turnpike and Columbia Road. At this time, located on the property is a one-story, 1,310 square foot, two bay service station, two pump islands and associated parking spaces.

According to the Fairfax County Tax Assessor, the TM 71-2 ((1)) 32 contains approximately 41,286 square feet (0.95 acre) of land area and is split-zoned between commercial and residential districts. As stated earlier, these three Special Exception applications do not include the southern portion of the parcel. Only 0.68 acres (29,620.8 square feet) of land are part of this request.



Comprehensive Plan

The Property is located in the Annandale Planning District (Area I); Indian Run Community Planning Sector (A-3). There is no specific Plan Text for the Property. The Plan Map indicates that the Property is planned for Retail and Other uses.

The proposed expansion of the service station use is in conformance with the Plan recommendations.

Zoning and Zoning Interpretation History

RZ 1158: On August 11, 1955, the Board of Supervisors approved rezoning action #1158. This action permitted rezoning of the Property from the Rural Residence District (“R-Residence”) to the Rural Business District (“R-Business”), with the exception of two areas that were not rezoned.

The first area was that portion of the Property lying south of a line 200 feet from and adjacent to the right of way line of Route 236 (Little River Turnpike), which was left R-Residence as a buffer to the adjacent property owner, at that owner’s request.

The second area was a 50 foot wide strip of land adjacent to Route 236, which was not rezoned by the Board of Supervisors as it was believed at that time to be needed for the widening of Little River Turnpike. (Note: The applicant requested rezoning of this portion of the property but, due to the anticipated road widening, it was not rezoned.)

Use Permit #9220: On October 25, 1955, the Board of Zoning Appeals approved Use Permit #9220, to permit the erection and operation of a service station closer to side property line and to allow pump islands closer to the street right-of-way than allowed by the Ordinance.

Widening of Little River Turnpike: Little River Turnpike was subsequently widened on its northern side only, and the R-Residence zoned area on the southern side of adjacent to Little River Turnpike was not used for this widening.

Special Use Permit #8316: On June 28, 1960, the Board of Zoning Appeals approved Special Use Permit #8316 to permit erection of a filling station with 25-foot setback from Route 236 only, with the understanding that no trailer or U-Haul would be permitted on the property.

Pursuant to discussion that took place at this hearing, it was determined that the 50 foot wide strip of property adjacent to Rout 236 was zoned C-N pursuant to the Pomeroy Ordinance, and that a commercial use was approved to be located within that area.

Request for Interpretation: In a letter from me to Eileen McLane, Zoning Administrator, dated March 26, 2010, I asked for clarification regarding the zoning classification of the Property in the area adjacent and parallel to Little River Turnpike. There was a conflict between the findings and discussions that took place pursuant to Special Use Permit #8316 (see above), where it had been determined that the portion of land adjacent to Little River Turnpike was zoned C-N (an outdated commercial zoning classification), and the current zoning map that depicts this area to be zoned R-2 (residential).

In Cathy S. Belgin's reply to that letter, she stated that "any previous mapping discrepancies were rendered moot, because the property was rezoned [in 1978, by default, when the current Zoning Ordinance was adopted and all property within the County was rezoned to reflect current zoning designations.]" She also stated that "it seems clear from the history of the parcel that at the time of the approval of the special permit to permit the service station and pump islands, this portion of the property was believed to be commercially zoned. The service station received site plan and building permit approval and was constructed as approved. As such, the pump islands are a nonconforming use in the R-2 District, and are subject to Sect. 15-103 of the Zoning Ordinance. As such, the pump islands may be continued to be used but shall not be enlarged or extended, nor

shall any structure alteration be made [to the pump island within the R-2 section].” Her reply indicated that “the proposed special exception for the service station expansion should include a Category 6 Special Exception request to permit the service station driveway on residentially zoned land, and that “approval of such special exception would reduce the amount of nonconformity on the site...”

Due to the complex zoning history of the Property, the entirety of these two letters is attached as the last sheet of the SE Plat.

Special Exception Requests

Special Exception Request #1 – Addition of Service Bays: The Applicant is seeking approval of a Category 6 Special Exception to permit approval of the enlargement and increase in intensity of an existing 1,310 square foot, two-bay service station in a Highway Corridor Overlay District. This special exception request is for the commercially zoned portion of the Property only. The Applicant is proposing the enclosure of a small portion of the existing building, which is currently under-roof but is not enclosed, and the addition of three repair bays. If approved, the structure will contain 2,343 square feet and a total of five repair bays.

The service station has been designed so that circulation is coordinated with the adjacent property to the west via an existing service drive and sidewalk. Access to the use will not impede traffic on a public street as the entrances to the use have existed since 1960, and access may be gained via an existing service drive to the west. The Applicant understands that, if approved, there can 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. The Applicant also understands that the service station may 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, the Applicant understands that, if approved, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

The following information is provided in accordance with Par. 7 of Sect. 9-011 of the Ordinance:

A. Type of operation(s).

- Service Station

B. Hours of operation.

- Monday – Friday: 6 a.m. until 10 p.m. for gasoline and 8 a.m. until 6 p.m. for service
- Saturday: 7 a.m. until 8 p.m. for gasoline and 8 a.m. until 4 p.m. for service
- Sunday: Closed

C. Estimated number of patrons/clients/patients/pupils/etc.

- Gasoline Customers: Approximately 300 for the entire day
- Service Customers: Approximately 30 – 50 for the entire day (including inspections)

D. Proposed number of employees/attendants/teachers/etc.

- Six (6) at any one time.

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

- Please see Wells + Associates letter dated July 12, 2010, which indicates that the traffic impact of the proposed use does not significantly increase trip generation.
 - The existing service station generates approximately 78 AM Peak Hour, 98 PM Peak Hour and 1,051 average daily trips.
 - With the proposal of three additional service bays, the service station would generate 83 AM Peak Hour, 105 PM Peak Hour and 1,121 average daily trips.
 - The new service bays will generate only an additional 5 AM Peak Hour, 7 PM Peak Hour and 70 average daily trips.
- The difference between the existing and proposed service station is less than the 250 peak hour trip and 2,500 average daily trip thresholds; therefore, the proposed service bay additions are not considered to substantially affect the transportation network and will be exempt from Chapter 527 compliance.

F. Vicinity or general area to be served by the use.

- Approximately 60% of customers live in Annandale, and approximately 80% of customers live in Fairfax County. The remaining 20% of customers come from nearby communities.

G. Description of building facade and architecture of proposed new building or additions.

- The exiting building is constructed of concrete block and metal panels with a glass store-front. The addition will be metal.

H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

- Gasoline, oil, antifreeze and tires

I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

- The development will conform to the provisions of all applicable ordinances, regulations and adopted standards, with the exception of the location of existing parking spaces and structures, which have been located on the Property since 1961.

Special Exception Request #2 – Commercial Driveway in a Residential Zone: The Applicant is seeking approval of a Category 6 Special Exception to permit approval of a commercial driveway in an R-2 zone. This driveway (which is accessed from two entrances on Little River Turnpike and one entrance from Columbia Road) has been in existence for 50 years (since 1961). The continuation of this driveway's use should not unduly impact the use or development of adjacent properties, as it is an existing condition and no modifications are requested to the existing configuration of this commercial driveway or its entrances.

Special Exception Request #3 – Modification Of Minimum Yard Requirements For Certain Existing Structures And Uses: The Applicant is seeking approval of a

Category 6 Special Exception to permit certain off-street parking spaces to remain 3.1 feet from Columbia Road. These parking spaces have been in this location since 1961 and complied with the minimum required yards in effect with the use was established. The yards have not been reduced since that time.

Waivers and Modifications: The Applicant is seeking approval of waivers and modifications as described in the paragraphs below.

- Waiver for the requirement of Chapter 6 of the Public Facilities Manual regarding stormwater quantity and quality management for the following reasons:
 - Construction of the new repair bays will not add any additional impervious area to the Property; therefore the water quality and quantity will not be adversely impacted by the addition.
 - An adequate outfall analysis was performed and the downstream storm sewer was found to have adequate capacity without requiring any additional storm water detention.
- Waiver of internal and peripheral parking lot landscaping pursuant to Chapter 12 of the Public Facilities Manual for the following reasons:
 - The parking lot is currently paved and no revisions to the parking lot are proposed with these applications.
 - The existing site layout precludes the addition of planting areas without reducing the usability of the site.
- Waiver of on on-road pedestrian and bicycle trail along Little River Turnpike for the following reasons:
 - Provision of either the trail or the on road bicycle facilities would eliminate an existing gas pump island and compromise the existing service station use.
 - A four foot wide sidewalk is currently located along Little River Turnpike and is to remain.

It is the Applicant's position that the service station has been an asset to the Annandale community for 50 years, as evidenced by its popularity. The special exception requests are in conformance with the recommendations of the Comprehensive Plan. Approval of these requests will not create a negative impact to the transportation network and will allow the Applicant to keep up with the demand for the service station's repair requests. For these reasons, it is requested that you recommend approval.

As always, I appreciate your attention to these matters. If you should have any questions, please do not hesitate to contact me.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Inda E. Stagg
Land Use Coordinator

Enclosures

cc: Penelope A. Gross; Supervisor, Mason Magisterial District (with Attachments)
Janet Hall; Planning Commissioner, Mason Magisterial District (with Attachments)
Andy Somerville; Somerville Management Group (with Attachments)
Chris Myers; Urban Engineering & Assoc, Inc. (with Attachments)
Adil Chauhan; Urban Engineering & Assoc, Inc. (w/o Attachments)
Robin Antonucci; Wells + Associates (with Attachments)
Martin D. Walsh; WCLEW (w/o Attachments)

8316

COUNTY OF FAIRFAX
Fairfax, Virginia

July 18, 1960

Office of the
Planning Commission and
Zoning Administrator

Mr. William H. Hansbarger
311 Park Avenue
Falls Church, Virginia

RE: Application for Lawrence E. Gichner

Dear Mr. Hansbarger:

This letter will confirm the decision of the Fairfax County Board
of Zoning Appeals on Tuesday, June 28, 1960 (granting)

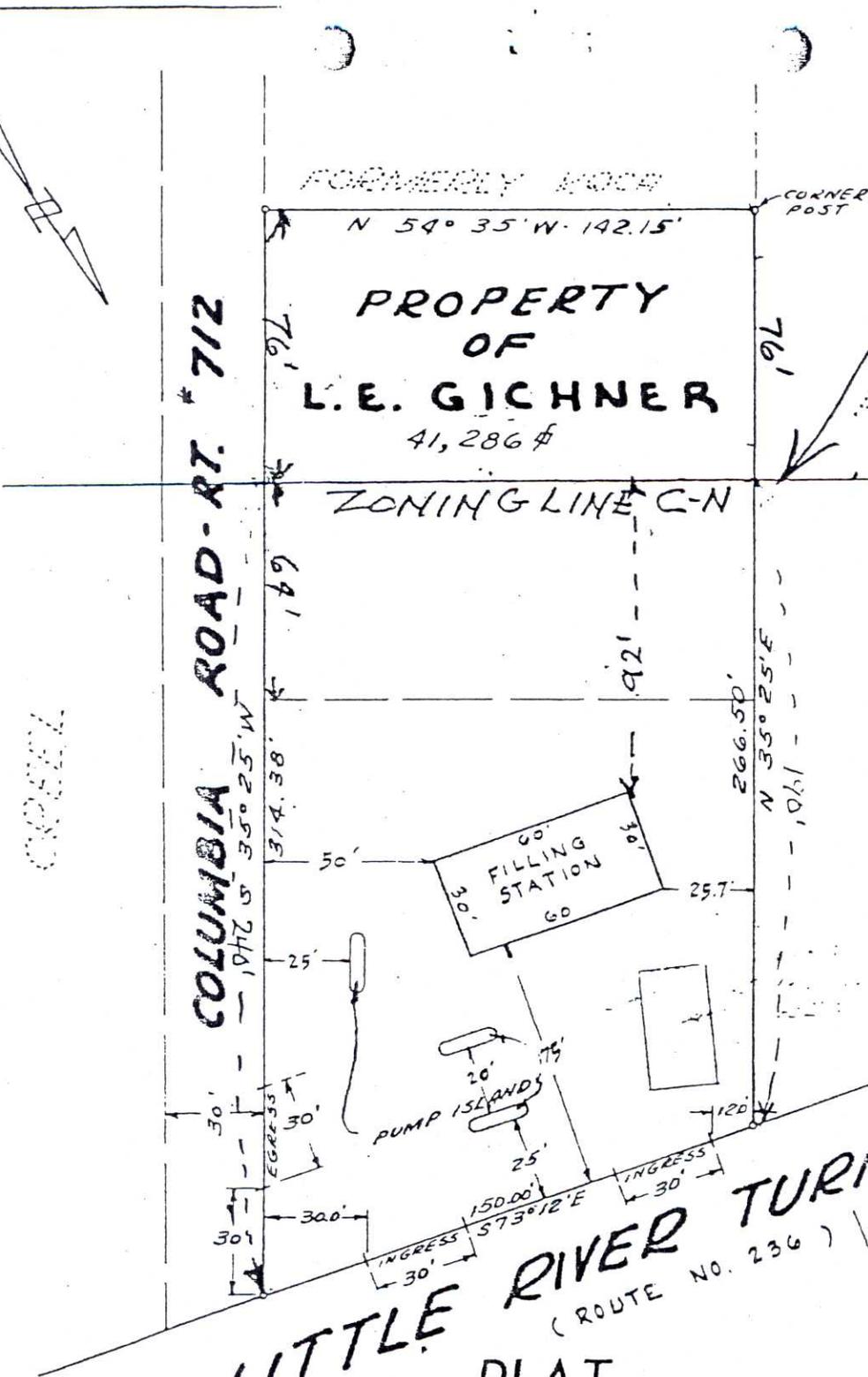
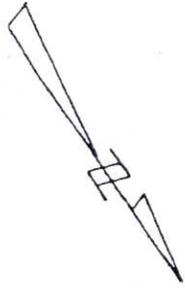
~~(denying) (deferring)~~ your application to permit erection of a
filling station with 25 ft. setback for pump islands from Route 236
only, and it is understood that no trailer or U-Haul shall be
permitted on the property-- this is granted for a filling station
only, S. W. corner of Route 236 and Columbia Road.

* Construction (operation) must start within twelve (12) months from
the date of this hearing, otherwise this approval is no longer valid.
Permit will be issued if you fill out the necessary papers in this
office.

Yours truly,

H. F. Schumann, Jr.
Zoning Administrator

* If your application is denied, this does not apply.



Rear Busin
Zoning
As plotted
from office
Sectional Sh
71-2
Roster H. Pay
6/28/60

LITTLE RIVER TURNPIKE
(ROUTE NO. 236)
PLAT

SHOWING PROPOSED LOCATION OF FILLING STATION & PUMP ISLAND ON
PROPERTY OF
LAWRENCE E. GICHNER
 FORMERLY LEROY C. KOCH PROPERTY
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 50' MAY 25, 1960
 B. CALVIN BURNS - CERTIFIED LAND SURVEYOR
 ARLINGTON COUNTY, VIRGINIA

COUNTY OF FAIRFAX, VIRGINIA

8316

6701 L.A. T...

APPLICATION FOR: (Indicate by [X] in appropriate box)

- Appeal from Decision of Administrative Officer
- Determination of Exact Location of District Boundary Line
- Interpretation of Words of Zoning Ordinance
- Special Exception or Determination of Other Special Question (6-12) (f)
- Variance from Strict Application of Zoning Regulation (6-12) (g)
- Use Permits (6-16)

Special Permit Use _____ *May 25* 19 *60*

TO THE BOARD OF ZONING APPEALS:

I, *Lawrence E. Gichner* the undersigned Owner of

Lot _____ Block _____ Subdivision,

Located in _____ District, on

(near) *W. ...*

hereby apply _____ Section *Road*

Subsection _____ of the Zoning Ordinance of Fairfax County, Virginia, to permit

erection of service station
and permit pump island 25 ft.
from back right of way lines

770 N.C.S.
Zone

LAWRENCE E. GICHNER
Owner
3905 WOODLEY RD. N.W.
Address
VA-8-9032
ESSO STD.
261 CONST. AVE. N.W.
WASHINGTON, D.C.

11450

June 28, 1960

The regular meeting of the Fairfax County Board of Zoning Appeals was held on June 28, 1960 at 10:00 a.m. in the Board Room, Fairfax County Courthouse. All members were present, Mrs. L. J. Henderson, Jr., Chairman, presided.

350

The meeting opened with a prayer by Mr. Lamond.

1- EAKIN PROPERTIES, to permit erection of service station and to permit pump islands 25 ft. from street lines, NE corner Rt. 236 and Prosperity Ave., Rt. 699, Providence District (C-N)

Mr. Hansbarger represented the applicant. He recalled that a permit for a filling station had been granted on the adjoining property but it was never used because the Highway Department acquired so much right of way for road widening that not enough land was left upon which to get satisfactory percolation. They will have enough land here for a septic and to meet the 75 ft. building setbacks. Covenants are on record reserving this land for business use.

Mrs. Henderson questioned the lighting. Like all Esso stations, Mr. Hansbarger answered, without glare and they would meet County regulations. There were no objections from the area.

Mr. Lamond moved that the Board approve the application of Eakin Properties to erect a service station at the northeast corner of Rt. 236 and Prosperity Avenue as requested, including in the motion that no trailers shall be parked on the premises and this shall be granted for a service station only. Seconded, Mr. Barnes. Carried unanimously.

2- R. H. STOWE, to permit erection of building closer to street lines than allowed by Ordinance; part Lot B, W.S. Hoge Subdv. (on northerly side of Wilson Blvd. adj. to City of Falls Church line) Falls Church District (C-G)

Mr. Stowe located the property. (He is contract purchaser from Burr Heishman.) The contract is contingent upon the granting of these variances. He must have variances to put any kind of building on the property, Mr. Stowe pointed out. The usability of the land depends upon variances. The property drops off from Wilson Blvd. Therefore the building could not be pushed back. Old Wilson Boulevard would be only 9 ft. from the corner of the building.

Mr. Mooreland said that while old Wilson Boulevard is not used, it is a dedicated street and no one will vacate it. Therefore the setback from that street is 50 ft.

June 28, 1960

5-Ctd Mrs. Carpenter moved to defer the case to view the property (defer to July 12.) Seconded, Mr. Lamond. Carried unanimously.

Mr. Lauderman, next door neighbor, urged the Board not to force the applicant to cut back the roof of his house to make this conform to the setback as it would detract from the looks of the house.

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6- LAWRENCE E. GICHNER, to permit erection of service station and permit pump islands 25 ft. from road right of way lines. SW corner of Rt. 236 & Columbia Rd., Mason District (C-N and RE 0.5)

Mr. Hansbarger represented the applicant. He pointed out the location showing three corners at this intersection to be commercially zoned. This property was zoned for business in 1955 but never used. There is a filling station across Columbia Road.

Mr. Hansbarger called attention to the 50 ft. strip of half acre zoning across the front of the property along Rt. 236 which he said was reserved for road widening. It was never used as the highway was widened on the opposite side. The official zoning map does not show this 50 ft. strip in residential zoning but brings C-N zoning to the right of way of Rt. 236.

Mr. Hansbarger referred to the Zoning Ordinance (page 13 - zoning map) regarding the boundaries of districts - indicating that the boundaries of zones are as adopted on the official zoning map. Therefore Mr. Hansbarger contended, this 50 ft. strip of RE 0.5 zoning does not exist. This question has arisen, he continued, before and the ruling was that the official zoning map is admitted to be correct.

Mr. Mooreland said the commercial rezoning on this case excluded the 50ft. strip and that strip has never been zoned commercial by the Board of Supervisors.

Mr. Hansbarger agreed that the Board of Supervisors did not zone this 50 ft. strip by individual application but he argued that they did zone it by adopting the Pomeroy Ordinance and the official zoning map. He recalled that many zones were changed at that time by the adoption of the new Ordinance. The only reason for this reservation was the widening of the road. When that was no longer needed it is reasonable that the entire tract was placed in C-N which the official map shows. The Ordinance was adopted after the highway was widened.

Mrs. Henderson asked that this be formally ascertained before acting in this case.

for industrial purposes has arisen, he continued, but under no stretch of

353

004
June 28, 1960

6-Ctd. Mr. Hansbarger said he would come back before the day was over with an interpretation on this from the Commonwealth's Attorney.

While the plat shows a pump island to be located 25 ft. from Columbia Road, Mr. Hansbarger said that was incorrect, they will eliminate the pump island on that street and locate the building 50 ft. from the right of way.

Mr. and Mrs. Hayes, owners of the adjoining lot, said they were not objecting to this use but they were concerned over the drainage. If the property is filled more and if the Highway Department carries out their present plans for carrying off the water their drainage problem will be magnified. They asked that special attention be paid to direction of the drainage flow. They are also interested in screening.

Mr. Chilton said the Public Works Department will have to approve adequate drainage - that is part of the requirement in the granting of this use.

They would also require screening against residential property.

Mr. Hayes said they had always had something of a drainage problem but recently with filling and grading along the highway it has become much worse. They could foresee even more trouble with this filling station going in.

The Board also discussed the extra 25 ft. setback in case of a filling station adjoining residential property.

Mr. Hansbarger referred to Sec. 4.4.3 of the Ordinance and interpreted this as including only the rear setback.

This was discussed further. It was the opinion of the Board that while the Ordinance may indicate the rear setback only it was no doubt the intent to protect side lines as well as the rear.

Mr. Lamond moved to defer the case to the end of the agenda for classification of the 50 ft. strip and for interpretation of the part of the Ordinance referring to the additional 25 ft. setback for filling stations. Seconded, Mr. Smith.

Mr. Wheeler, living south of this property on Old Columbia Road discussed the drainage problem across the back of his property. He was not opposed to the filling station but asked how much land would be left between his property and the commercial zoning. He was apprehensive of a small commercial lot left upon which some business would be crowded. The original zoning line went diagonally across this property, he stated, following the same parallel line as Rt. 236. This plat, he noted showed a line straight across the property.

354

June 28, 1960

6-Ctd.

Mr. Hansbarger said these people will not use all of the commercially zoned property. The line drawn on the plat is that used for the filling station but that is not all the commercial property.

Mrs. Henderson suggested that the filling station take all the commercial land rather than to create a small lot unusable, except with many variances.

There was disagreement as to where the commercial zone ends - was it parallel to the street, or was it parallel to the rear line of the lot? It was included in the motion that Mr. Hansbarger have the correct zone line shown on the plat. Motion carried unanimously.

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7-

SIBARCO CORP. to permit erection of a service station with pump islands 25 ft. from street right-of way lines, NE corner of Patrick Henry Drive and Brook Drive, Mason District (C-N)

Mr. Dan Hall represented the applicant. He located this as being immediately back of the Hot Shoppe and adjoining the newly proposed motel. There are 80 ft. between this building and the Hot Shoppe property. They are buying this property from the motel people but this will be an integral part of the motel development designed especially to serve guests. He noted that people in the motel could be serviced with gas without going out on to the highway. It is also designed to catch the traffic on Patrick Henry Drive.

That, Mrs. Henderson agreed, is considerable. She discussed at length the traffic congestion at this location, the school children cross here and the bus stops here. There is a great amount of traffic coming up Patrick Henry Drive. She questioned just how wise it would be to add to the situation here by allowing a filling station.

They have considered that, Mr. Hall answered, and have put in safety islands between the driveway and the entrances. They will put in a walkway.

Mr. Hall again stressed the value of this location so near the motel where these people can be served without adding to the traffic on any highway. He thought that would reduce the hazard along Patrick Henry Drive to a great extent. This is to be a neighborhood filling station like a neighborhood shopping center.

This tract contains about 14,000 sq. ft., Mr. Hall said.

Mrs. Henderson objected to the small lot. It is the only vacant land in the area, Mr. Hall stated. It is an excellent location for a neighborhood filling station. It would be a real service to the motoring

355

June 28, 1960

6-

LAWRENCE E. GICHNER, to permit erection of service station and permit pump islands 25 ft. from road right of way lines, SW corner of #236 and Columbia Rd., Mason District (C-N and RE 0.5)

Mr. Hansbarger returned to the Board with plats marked to show the true zoning line on this lot. The line is drawn parallel with the rear line of the lot, Mr. Hansbarger told the Board, leaving a residential strip about 76 ft. wide between the commercial zoning and the rear of the lot.

This was plotted from the official zoning sectional sheet No. 71-2.

Mr. Hansbarger said he had discussed the front 50 ft. strip with regard to the zoning with the Commonwealth's Attorney and had the opinion that if there is a conflict between the sectional sheets of the zoning map and the originally adopted zoning map, the original zoning map as adopted with the Pomeroy Ordinance obtains. Mr. Hansbarger noted that the categories were changed in the adoption of the Pomeroy Ordinance. This property was originally zoned Rural Business. That category no longer exists. It is now C-N. That in itself changes the classification of this property.

Mr. Hansbarger noted that there is no objection to the filling station here, the only objection is to the drainage problem which does exist and which can be corrected with this development. The Public Works Department will take care of drainage.

Since the plat showed 92 ft. between the rear of the building and the rear commercial zoning line, Mrs. Henderson suggested that the filling station property include all the area zoned C-N.

With regard to the extra 25 ft. setback on filling stations adjoining residential property, it was agreed that the old ordinance included this requirement and it probably was the intent of the present ordinance to include that also but the ordinance reads to restrict only the rear line; therefore this could not be incorporated in the requirement in this case.

Mr. Smith moved as follows: If it is intended that the rear yard setback should include an extra 25 ft. setback in case of filling stations adjoining residential property then it would appear that the same rule should apply to the side yard setbacks and if this is the intent of the ordinance this should be specified and spelled out in the Ordinance and correction of the Ordinance should be made immediately. Seconded, Mrs. Carpenter. Carried unanimously.

The Board asked that this motion be transmitted to Mr. Schumann.

TFF

VUL
367

With regard to the Gichner case to permit erection of a service station, etc. Mr. Smith moved that the application be granted with a 25 ft. setback for pump island from Rt. 236 only, and that it is understood that no trailers or U-Hauls shall be permitted on the property.

368

This is granted for a filling station only; seconded, Mr. Barnes.

For the motion -- Mrs. Carpenter, Mr. Lamond, Mr. Smith and Mr. Barnes.

Mrs. Henderson voted no. Motion carried.

//

SIBARCO CORPORATION (This application was partly heard at the beginning of the meeting and now is being continued at the end of the meeting.)

The zoning of this entire tract was determined to be C-D-M. This will be subject to site plan approval by the Planning Commission.

Mrs. Henderson objected to this because of the already bad traffic situation here and because of the residential property along Warren Street.

Mr. Hall said he had met with the people on Warren St. and they have no objection to this. He noted that many other types of business could come in here without a permit from this Board and it is the opinion of many that a controlled use such as a filling station is more desirable than many other uses. Mr. Hall said there is a considerable amount of research on traffic generators and it is the conclusion that filling stations do not create traffic, that people do not drive to a filling station, they use the facilities in their own area. The Board was not in agreement with this.

Mr. Barnes moved that the application of Sibarco Corp. to permit erection of a filling station at the NE corner of Patrick Henry Drive and Brook Drive, be granted with the provision that this is to be used for a gasoline service station only; seconded, Mr. Lamond.

For the motion: Messrs. Lamond, Barnes and Smith.

Voting no: Mrs. Henderson and Mrs. Carpenter.

Mrs. Henderson said, in her opinion, Sec. 12 2.1 cannot be applied in this case, that the location would be hazardous and inconvenient. Motion carried.

//

Mr. Mooreland asked to discuss certain matters with the Board. He noted that trampolines are coming into the County and he was not certain under which group to classify them. He asked the board for advice. The Board ruled that these be handled under Group 7 -- they are commercial recreational establishments.

//



County of Fairfax, Virginia

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

Via Regular Mail

April 20, 2010

Inda E. Stagg
Walsh Colucci Lubeley Emrich & Walsh, PC
2200 Clarendon Boulevard, Thirteenth Floor
Arlington, Virginia 22201-3359

RE: Interpretation Request, Zoning District Classification, Service Station
6701 Little River Turnpike
Tax Map 71-2 ((1)) 32
Zoning Districts: C-5; R-2, H-C

Dear Ms. Stagg:

This letter is in response to your letter dated March 26, 2010 to Eileen McLane concerning the zoning district classification for the property located at 6701 Little River Turnpike, identified as Tax Map 71-2 ((1)) 32. The property is illustrated on the 2010 Zoning Map as being split zoned, with the central portion of the lot zoned C-5, Neighborhood Retail Commercial District; and the northern and southern (front and rear) portions of the lot zoned R-2, Residential District, Two Dwelling Units/Acre. The entire property is also zoned Highway Corridor Overlay District (H-C). The property is developed with a service station. The history of the zoning and development of the property is outlined below.

On August 11, 1955, the Board of Supervisors approved a rezoning application #1158, in part; to permit the property to be rezoned from the then Rural Residence District to the Rural Business District. Only the central portion of the lot was rezoned to the requested commercial designation, with a 200 foot wide residential portion remaining at the rear of the property, adjacent to residential uses, and a 50 foot wide residential portion remaining at the front of the property, along the right-of-way of Route #236 (Little River Turnpike.)

On June 28, 1960, the Board of Zoning Appeals approved Special Permit #8316, to permit construction of a filling station with a 25 foot setback for the pump islands from Route #236. During the public hearing it was noted that there was a question about the zoning designation of the front portion of the property, however it was believed (as stated on the record) that the front portion of the lot did not include a residential designation, and approval of the request was granted. The Planning Commission approved Site Plan #87 entitled "Humble Oil & Refining" on May 25, 1961 for a service station and pump islands, and the property was subsequently developed as shown on the site plan.

In 1978, the Board of Supervisors adopted the current Zoning Ordinance which rezoned all properties in the county to reflect updated zoning designations. According to the Fairfax County

Department of Planning and Zoning

Zoning Administration Division

Ordinance Administration Branch

12055 Government Center Parkway, Suite 807

Fairfax, Virginia 22035-5505

Phone 703-324-1314 FAX 703-803-6372

www.fairfaxcounty.gov/dpz/

Ms. Inda E. Stagg
April 20, 2010
Page 2

Tax Maps from 1978, from both before and after the adoption of this Ordinance, a strip of approximately 50 foot width along the frontage of Route 236 was previously residentially zoned and was carried forward with the rezoning to the R-2 District. Therefore, any previous mapping discrepancies were rendered moot, because the property was rezoned at that time with a 50 foot deep strip of R-2 located at the front of the property along Route 236.

Your question is specifically regarding the location of the pump island closest to the right-of-way of Route 236 (Little River Turnpike). This pump island is located within the front portion of the property which is zoned R-2. It seems clear from the history of the parcel that at the time of approval of the special permit to permit the service station and pump islands, this portion of the property was believed to be commercially zoned. The service station received site plan and building permit approval and was constructed as approved. As such, the pump islands are a nonconforming use in the R-2 District, and are subject to Sect. 15-103 of the Zoning Ordinance. As such, the pump islands may be continued to be used but shall not be enlarged or extended, nor shall any structural alteration be made.

You note in your letter that the owner is proposing to apply for a Special Exception, and upon further discussion you stated that the Special Exception is being pursued to bring the site into compliance because at least two additional service bays have been added onto the service station without receiving the required special exception approval. It would be most advantageous to have the R-2 portion of the lot along Little River Turnpike rezoned to C-5 and incorporated into the Special Exception application for the service station, such that the issues of nonconformity and a portion of a commercial use on residential property would be resolved. However, if this alternative is not pursued, the proposed special exception for the service station expansion should include a Category 6 Special Exception request to permit the service station driveway on residentially zoned land pursuant to Sect. 9-616 of the Zoning Ordinance. Approval of such special exception would reduce the amount of nonconformity on the site, particularly given that the additional service bays increase the number of cars using the driveway.

I trust this correspondence adequately responds to your request. If you have any additional questions, please feel free to contact me at 703-324-1314.

Sincerely,



Cathy S. Belgin, AICP
Senior Assistant to the Zoning Administrator

CSB/

cc: Penelope A. Gross, Supervisor, Mason District
Eileen M. McLane, Zoning Administrator
Regina C. Coyle, Director, Zoning Evaluation Division
Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch



County of Fairfax, Virginia

MEMORANDUM

DATE April 20, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PGN*
Environment and Development Review Branch, DPZ

SUBJECT: Land Use Analysis and Environmental Assessment: SE 2010-MA-031
SE 2010-MA-032
Hillbrook Real Estate Holdings – 6701 Little River Turnpike

The memorandum, prepared by John Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the special exception plat as revised through March 31, 2011. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

DESCRIPTION OF THE APPLICATION

The approximately 29,500 square foot subject property is located at the southwest corner of the intersection of Columbia Road and Little River Turnpike. The application seeks approval of a special exception request to add three new service bays to an existing two-bay service station. The proposed expansion would increase the size of the existing structure by approximately 1,000 square feet. The property is currently zoned C-5, R-2 and HC. The service station includes a pump island near the existing right-of-way for Little River Turnpike. This application was prompted as a result of a number of zoning violations on the property. A total of 17 parking spaces are provided. 2,280 gross square feet of development is proposed at a floor area ratio (FAR) of 0.10. The R-2 southern portion of the subject property is not included as part of this special exception application.

LOCATION AND CHARACTER OF THE AREA

The subject property is located in Area I, Annandale Planning District, A-3 Indian Run Community Planning Sector. The property is split-zoned C-5, R-2 within a Highway Corridor. Properties to the north are zoned C-5, R-12 and PDH-8 and developed with office and residential uses. Properties to the south are zoned R-2 and developed with residential use and planned for residential at 1-2 dwelling units per acre. Properties to the east contain retail uses zoned C-5 and

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/



are planned for office. Properties to the west are zoned C-2, developed with office uses and planned for retail and other.

COMPREHENSIVE PLAN CITATIONS:

Land Use

Fairfax County Comprehensive Plan, Area I, 2007 edition, Annandale Planning District as amended through July 27, 2010, A3 Indian Run Community Planning Sector, Recommendations, Land Use, pages 104 and 105:

“The Indian Run Community Planning Sector contains stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity and in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14. . . .

5. Uses requiring special permits and special exception approval should be rigorously reviewed and permitted only when the use is of a size and scale that will not adversely impact adjacent land uses and the overall low density residential character of the area and to prevent commercial or quasi-commercial encroachment.”

Environment

Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through July 27, 2010, page 7 through 9:

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County. . .

Policy d. Preserve the integrity and the scenic and recreational value of EQCs when locating and designing storm water detention and BMP facilities. . . .

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County’s streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements.
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations. . . .”

COMPREHENSIVE PLAN MAP: Retail and other

LAND USE ANALYSIS

The Comprehensive Plan map indicates the subject property is planned for retail and other uses. While the Comprehensive Plan text provides no specific guidance for the subject property, the use in its current configuration raises concerns regarding parking, screening, travel aisles, and hours of operation. The special exception application and related revised plat provides a number of modifications in an effort to address these concerns. The structure will be expanded to include three new service bays, a portion of the site will be designated as a conservation area for water quality control, travel aisles and parking areas will be designated and hours of operation will be limited to ensure that this use does not adversely impact surrounding uses. The Fairfax County Department of Transportation is also seeking right-of-way dedication along Little River Turnpike for future improvements. While the R-2 southern portion of the subject property is not part of the application it should be noted that this area contains an extensive volume of overgrowth and invasive species. The applicant should be encouraged to make a commitment to clear this area of invasive species and overgrowth. At this time it appears that most significant issues related to the proposed use have been resolved. The Planning Division staff finds that the proposed use is in harmony with the land use recommendations of the Comprehensive Plan.

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Water Quality

The subject property has no existing water quality or quantity control measures located on-site. The applicant is proposing the establishment of a conservation area in order to satisfy water quality control measures. Any final determination regarding the adequacy of water quantity and quality control measures will be subject to review and approval by staff within the Department of Public Works and Environmental Services.

PGN: JRB



County of Fairfax, Virginia

MEMORANDUM

April 8, 2011

TO: Mr. William J. O'Donnell Jr. AICP, Planner II
Department of Planning and Zoning, Zoning Evaluation Division

FROM: Ineke Dickman, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: 6701 Little River Turnpike, SE 2010-MA-031, SE 2010-MA-032

Urban Forest Management Division staff has reviewed the above referenced SE stamped as received by the Department of Planning and Zoning, Zoning Evaluation Division April 1, 2011. A site visit was performed on January 7, 2011.

All previously submitted comments have been adequately addressed and I do not have any further comments. However as noted before in my comments dated January 21, 2011 no tree preservation plan and narrative or tree inventory and condition analysis have been submitted. We therefore recommend including development conditions addressing these issues as described in our January 21, 2011 memo.

Please let me know if you have any questions.

AID/
UFMID #: 157481

cc: RA File
DPZ File





County of Fairfax, Virginia

MEMORANDUM

January 21, 2011

TO: Mr. William J. O'Donnell Jr. AICP, Planner II
Department of Planning and Zoning, Zoning Evaluation Division

FROM: Ineke Dickman, Urban Forester II 
Forest Conservation Branch, DPWES

SUBJECT: 6701 Little River Turnpike, SE 2010-MA-031, SE 2010-MA-032

The following comments are based on a review of the above referenced SE stamped as received by the Department of Planning and Zoning, Zoning Evaluation Division November 9, 2010. A site visit was performed on January 7, 2011.

1. **Comment:** New Tree Conservation Ordinance amendments went into affect on November 17, 2010. No grandfathering period is associated with these changes.

Recommendation: Subsequent versions of this SE shall be submitted in conformance with the new Tree Conservation Ordinance and its numbering system.

2. **Comment:** The existing tree cover on site is in poor condition and consists mainly of invasive species. Additional tree canopy credit has been taken for preserving the existing forest. This forest does not meet the standard for health and structural integrity as described in PFM 12-0400.

Recommendation: Applicant should remove the multiplier of 1.25 from the tree cover calculations.

3. **Comment:** Tree cover credit has been taken for the 10 Eastern redcedars on the northwest side of the project property. These trees are located within a storm easement and no credit shall be afforded to these trees.

Recommendation: Applicant should remove the tree cover credit for the 10 Eastern redcedars from the tree cover calculations.

4. **Comment:** This application includes a request to waive the interior parking lot landscaping requirements on the site.

Recommendation: A motion should be submitted to the board to request a waiver of the interior parking lot landscaping requirements based on the justifications allowed in ZO 13-202.6.



5. **Comment:** Tree preservation is proposed on this project site but no tree preservation plan and narrative or tree inventory and condition analysis has been submitted. Depending on the ultimate development configuration and site engineering provided, several development conditions will be instrumental in assuring adequate tree preservation and protection during the development process.

Recommendation: To ensure effective tree preservation using the most up-to-date information regarding design, engineering and site conditions, recommend the following development conditions:

Tree Preservation: "The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet of the undisturbed side of the limits of clearing and grading and 10 feet of the disturbed side of the limits of clearing. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan."

Tree Preservation Walk-Through. "The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions."



Limits of Clearing and Grading. "The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE plat, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities."

Tree Preservation Fencing: "All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES."

Root Pruning. "The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffered conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following: Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches. Root pruning shall take place prior to any clearing and grading, or demolition of structures. Root pruning shall be conducted with the supervision of a certified arborist. An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete."



6701 Little River Turnpike, SE 2010-MA-031, SE 2010-MA-032

Site Monitoring. "During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as detailed in the tree preservation plan and narrative and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES."

Please let me know if you have any questions.

AID/
UFMID #: 157481

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division

12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503

Phone 703-324-1720, TTY: 703-324-1877, Fax: 703-324-8359

www.fairfaxcounty.gov/dpwes





County of Fairfax, Virginia

MEMORANDUM

DATE: April 25, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division

FROM: Angela Kadar Rodeheaver, Chief *MAR 25 2011*
Site Analysis Section
Department of Transportation

SUBJECT: Transportation Impact

FILE: 3-4 (SE 2010-MA-031 & 032)

REFERENCE: SE 2010-MA-031 & 032; Hillbrook Real Estate Holdings, LLC
Land Identification: 071-2 ((1)) 0032

The following comments reflect the position of the Fairfax County Department of Transportation (FCDOT), and are based on the applicant's revised development plan dated April 1, 2011.

The applicant seeks approval of a Special Exception application to permit the addition of three service bays from 1,302 square feet to 2,280 square feet. The property currently has a one story service station with two service bays, three fuel pumps, and associated parking. There are four entrances and one service drive entrance from the adjoining property. The transportation issues are as follows:

- Dedication of Right-of-Way in the amount of 24 feet should be provided along Little River Turnpike for future road improvements.
- Closure of one of two Little River Turnpike entrances as identified on the revised plan dated April 1, 2011 plan and identified as the closest to the intersection of Little River Turnpike and Columbia Road.

Considering the revised plan from April 1, 2011 and the applicant's compliance with the items noted above, FCDOT does not object to the approval of the proposed special exception application.

AKR/mdd



County of Fairfax, Virginia

MEMORANDUM

DATE: January 21, 2011

TO: Billy O'Donnell, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Beth Forbes, Stormwater Engineer *BF*
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application #SE 2010-MA-031, Special Exception Plat dated November 3, 2010, LDS Project #25436-ZONA-001-1, Tax Map #71-2-01-0032, Mason District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site. Water quality controls are required for this redevelopment (PFM 6-0401.2B). No controls are shown on the plat. The applicant plans to apply for a waiver; a waiver is unlikely to be granted.

Floodplain

There are no regulated floodplains on the property.

Downstream Drainage Complaints

There are no downstream drainage complaints on file.

Stormwater Detention

Stormwater detention is required, if not waived (PFM 6-0301.3). No water quantity controls are shown on the plat. The applicant plans to apply for a detention waiver since the new impervious area is minimal (approximately 600 square feet). A waiver is likely to be granted as long as the outfall is adequate.

Site Outfall

An outfall narrative has been provided.

Please contact me at 703-324-1720 if you require additional information.

BF/

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Zoning Application File



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.

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		