



County of Fairfax, Virginia

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

July 27, 2011

Inda E. Stagg
Walsh, Colucci, Lubeley, Emrich and Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2010-MA-032
(Concurrent with Special Exception Application SE 2010-MA-031)

Dear Ms. Stagg:

At a regular meeting of the Board of Supervisors held on July 26, 2011, the Board approved Special Exception Application SE 2010-MA-032 in the name of Hillbrook Real Estate Holdings, LLC. The subject property is located at 6701 Little River Turnpike on approximately 6,969 square feet of land, zoned R-2 and HC in the Mason District [Tax Map 71-2 ((1)) 32 pt.]. The Board's action permits a driveway in a commercial district, pursuant to Sections 3-204 and 9-601 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

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 (which may include a minor site 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 (which may include a minor 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.

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4. Best Management Practices (BMPs) in accordance with the requirements of the Public Facilities Manual shall be provided on Tax Map 71-2 ((1)) 32 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 as 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. Other areas on the subject property, that may appear to be available for parking, but are not parking areas, shall be marked with "No Parking" signs.
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 at the time of 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. The existing wooden fence on Tax Map 71-2 ((1)) 32 shall be removed. A combination of a masonry wall and wooden privacy fencing (which may include 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. The masonry wall shall be painted a neutral color, such as beige or brown, and shall not exceed the height requirements in the Zoning Ordinance. In no instance, shall a fence or wall exceed 4 feet in height in the front yard or 6 feet in height in the rear or side yard.
14. The exterior design, building materials and colors used in the service station expansion shall be generally compatible with the exterior building materials and consistent with the color 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 and shall be erected at the limits of clearing and grading as shown on the SE plat prior to any demolition or land-disturbing activity on the site. Tree protection fencing in the form of four foot high, 14 gauge welded wire attached to six foot steel posts driven 18 inches into the ground and placed no further than ten 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,. 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.

18. Barriers may be erected on the subject property across vehicular access points at the close of business every day in order to dissuade patrons from leaving their vehicles without an appointment.
19. All signage on the subject property shall comply with Article 12 of the Zoning Ordinance.

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.

The Board also:

- Modified 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.
- Modified the trail requirements on Little River Turnpike, in favor of the right-of-way dedication, and as conditioned.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor Penny Gross, Mason District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation