



APPLICATION ACCEPTED: November 10, 2011
PLANNING COMMISSION: March 8, 2012
BOARD OF SUPERVISORS: March 20, 2012
@ 3:30 p.m.

County of Fairfax, Virginia

February 23, 2012

STAFF REPORT

APPLICATION SE 2011-LE-017

CRD

LEE DISTRICT

APPLICANT: Hybla Center, LP

ZONING: C-6, CRD, and HC

PARCEL: 101-2 ((6)) 507B Pt.

LOCATION: 7800 Richmond Highway

SE AREA ACREAGE: 12,625 square feet
218,478 square feet (parcel 507B)

PLAN MAP: Retail and Other

SPECIAL EXCEPTION CATEGORY: Category 5 – Commercial and Industrial Uses of Special Impact

PROPOSAL: To permit a vehicle light service establishment to locate in an existing shopping center

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2011-LE-017, subject to development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a modification of the minimum lot size requirement to permit a lot of 12,625 square feet instead of the required 40,000 square feet.

Staff recommends approval of a modification of the minimum lot width requirement to permit a lot width of 73 feet instead of the required 200 feet.

Nick Rogers

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz



Staff recommends approval of a waiver of the open space requirement for the Special Exception area.

Staff recommends approval of a modification of the transitional screening requirement and a waiver of the barrier requirement along the eastern and western boundaries of the application site.

Staff recommends approval of a waiver of the peripheral and interior parking lot landscaping requirements.

Staff recommends approval of a deviation from the tree canopy percentage in favor of the landscaping shown on the SE Plat.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be 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 special exception does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

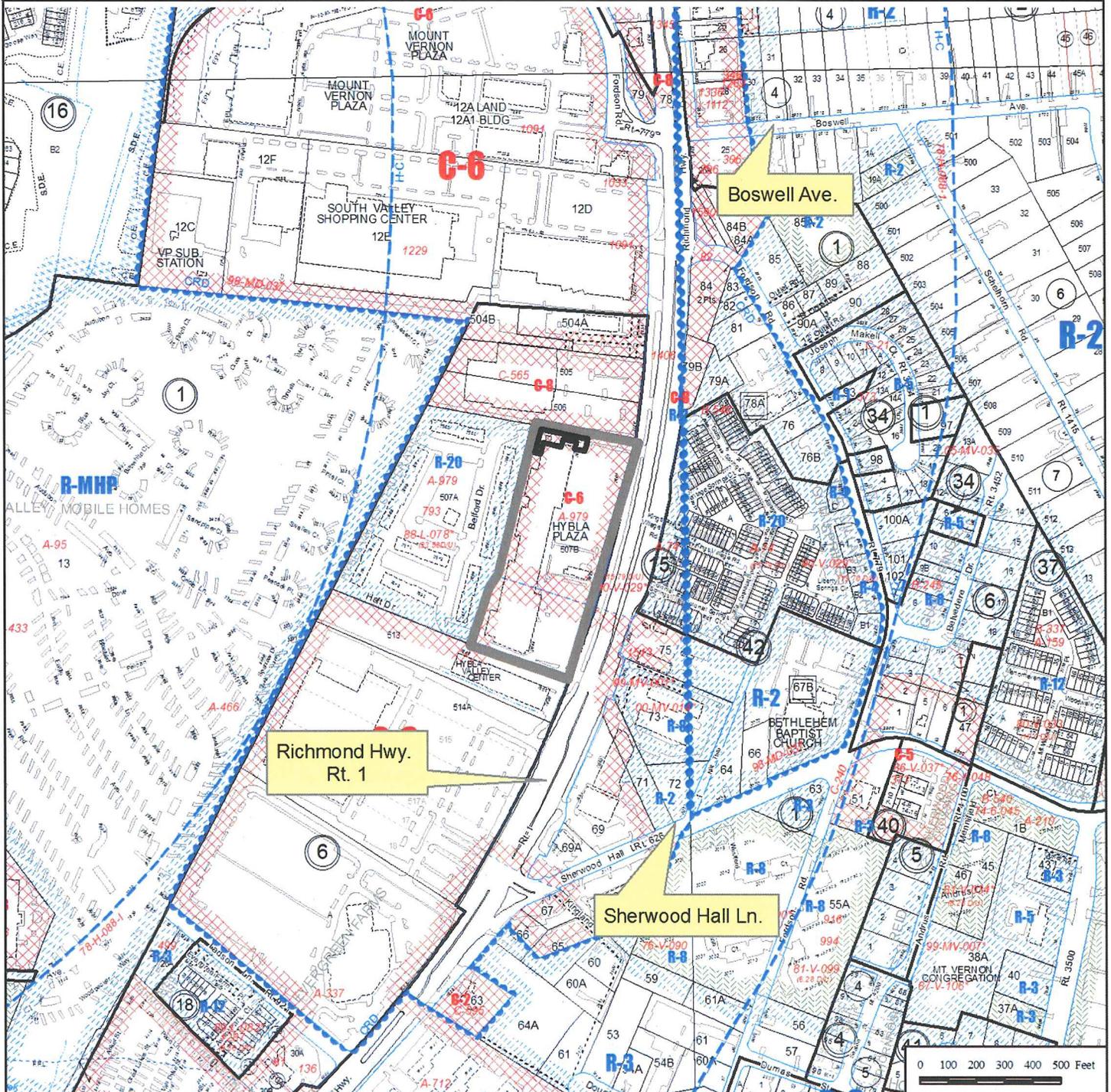
SE 2011-LE-017



Applicant: HYBLA CENTER, LP
 Accepted: 11/10/2011; AMENDED 2/16/2012
 Proposed: VEHICLE LIGHT SERVICE ESTABLISHMENT AND WAIVERS AND MODIFICATIONS IN THE COMMERCIAL REVITALIZATION DISTRICT

Area: 12,625 SF OF LAND;
 DISTRICT - LEE; ZIP 22309

Zoning Dist Sect: 04-0604, 09-0622
 Art 9 Group and Use: 5-23 6-19
 Located: 7800-7844 RICHMOND HIGHWAY
 Zoning: C-6
 Plan Area: 4
 Overlay Dist: CRD, HC
 Map Ref Num: 101-2- /06/ /0507B pt.

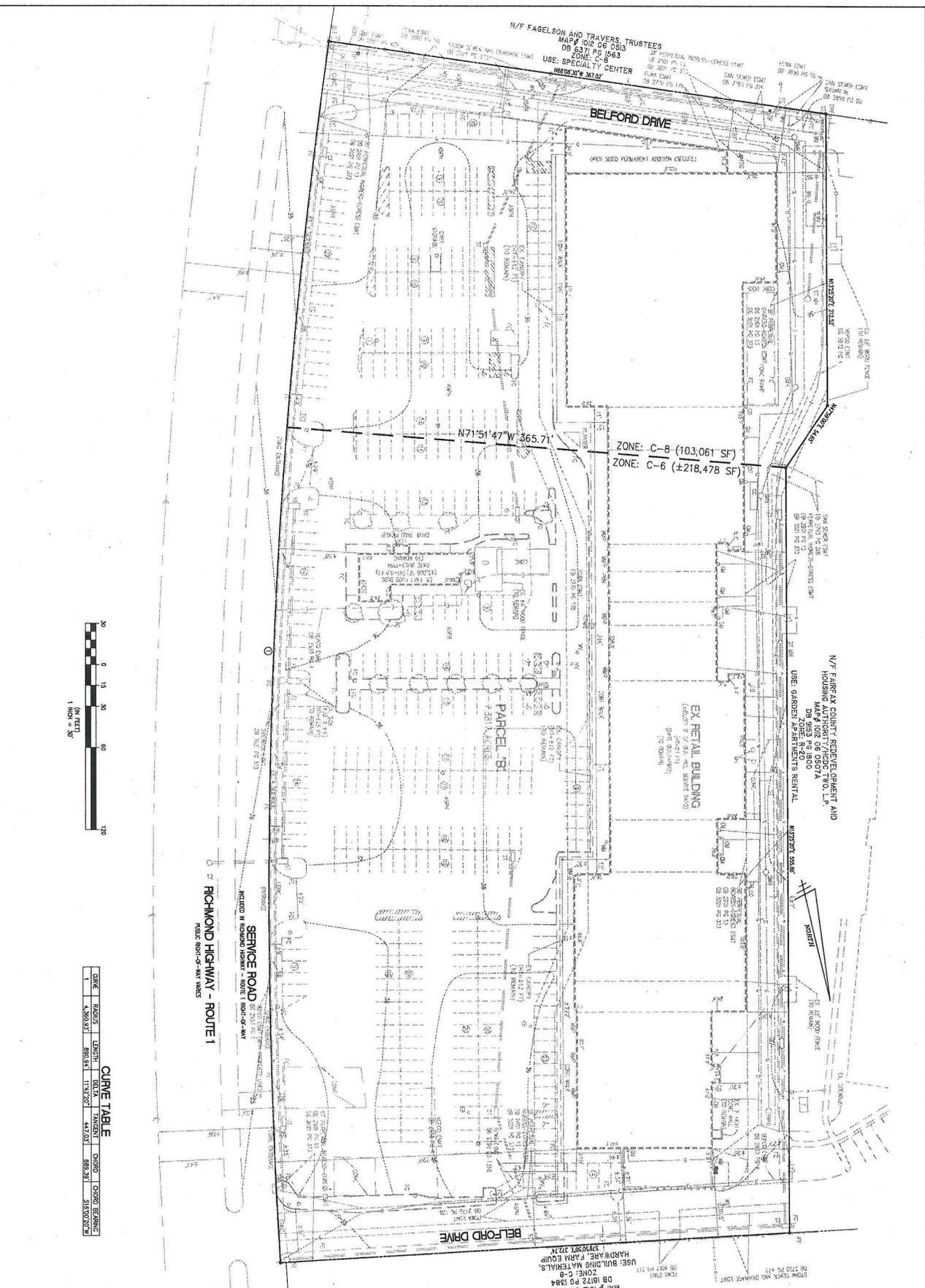


Plan No. P-2201
 Title: MOUNT VERNON SHOPPING CENTER
 Date: 05/11/11
 Scale: 1" = 30'

Scale: 1" = 30'

Scale: 1" = 30'

Scale: 1" = 30'



CURVE TABLE

CHORD BEARING	CHORD	ANGLE	DELTA	LENGTH	POINTS
...

OVERALL SITE EXISTING CONDITIONS EXHIBIT

MOUNT VERNON SHOPPING CENTER
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

REVISION APPROVED BY

NO.	DESCRIPTION	DATE	REV. BY	APPROVED	DATE



WALTER L. PHILLIPS
 INCORPORATED
 ESTABLISHED 1945
 Engineers • Surveyors • Planners
 Landscape Architects • Arborists
 207 PARK AVENUE
 FALLS CHURCH, VIRGINIA 22046
 (703) 532-6183 Fax (703) 533-1301
 www.WL.PINC.com

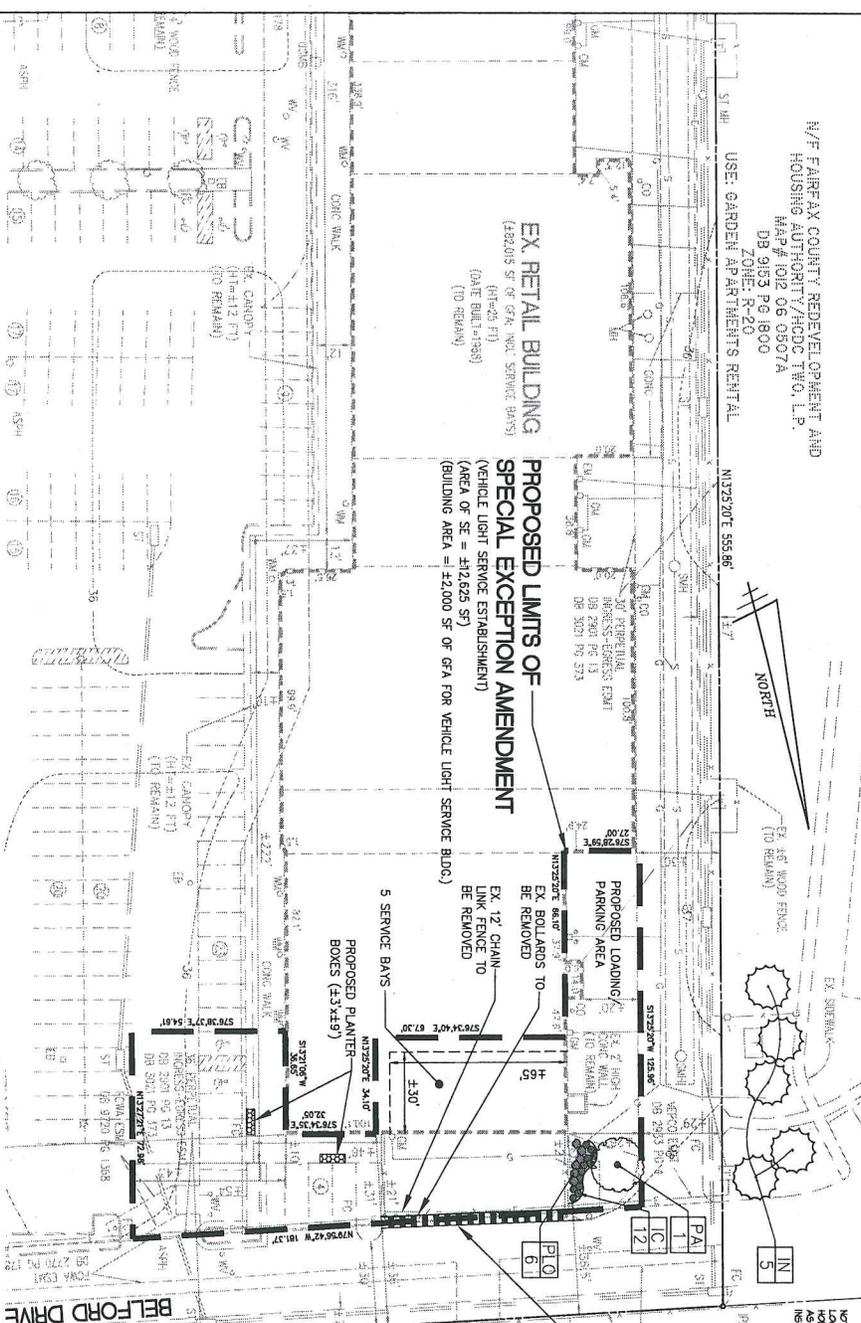
DATE: 05/11/11, REV. 102/11/11, 01/13/12

SCALE: 1" = 30'

DRAWN/CHECKED: WLP

M/F FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY/HBCO TWO, L.P.
 MAP# 1012 06 0507A
 DB# 9193 PG 1800
 ZONE: R-20

USE: GARDEN APARTMENTS RENTAL
 N175207E 555.86'

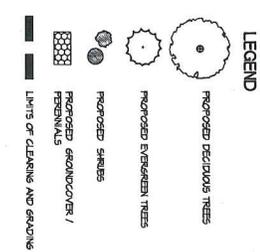


EX. RETAIL BUILDING
 (48205 SF OF GRA. INCL. SERVICE BAYS)
 (H=12.5 FT)
 (DATE BUILT=1988)
 (TO BE REMOVED)

PROPOSED LIMITS OF SPECIAL EXCEPTION AMENDMENT
 (VEHICLE LIGHT SERVICE ESTABLISHMENT)
 (AREA OF SE = 112,625 SF)
 (BUILDING AREA = 12,000 SF OF GRA FOR VEHICLE LIGHT SERVICE BLDG.)

FEDERAL REALTY INVESTMENT
 MAP# 1012 06 0506
 DB# 18172 PG 1384
 ZONE: C-8
 USE: BUILDING MATERIALS, HARDWARE, FARM EQUIP.
 5939307 372.74
 5939307 67.20

NOTE: NONE OF PROPOSED HOLY TREES TO BE ACQUIRED AS NECESSARY DRIVING METALLIZATION



CURVE TABLE

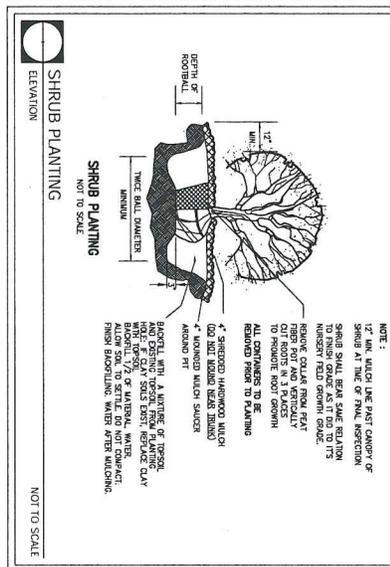
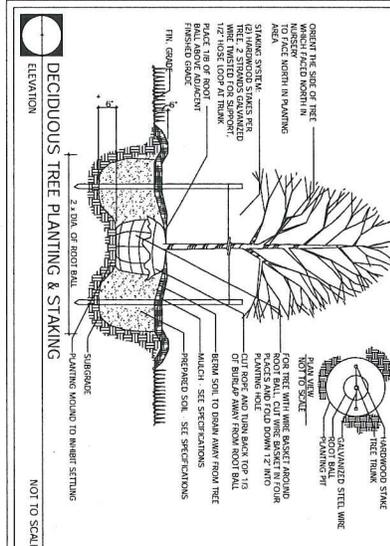
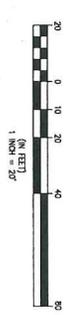
CHANG	RAIUS	LENGTH	DELTA	MINOR	CHORD	CHORD BEARING
1	4.36031	1.14220	44.703	0.99391	0.99391	S107.07°

LANDSCAPE SCHEDULE - TREES

KEY	BOTANICAL / COMMON NAME	SIZE	QTY	REMARKS
N	EX. 12' CHAIN LINK FENCING & GROUND COVER	6'-7" HT.	5	SEE TREE PLANNING DETAIL
P	PROP. 12' CHAIN LINK FENCING	2'-2.5' DIA.	1	SEE TREE PLANNING DETAIL

LANDSCAPE SCHEDULE - SHRUBS

KEY	BOTANICAL / COMMON NAME	SIZE	QTY	REMARKS
U	EX. 12' CHAIN LINK FENCING & GROUND COVER	16-24" HT.	11	SEE SHRUB DETAIL
V	PROP. 12' CHAIN LINK FENCING	24-40" HT.	5	SEE SHRUB DETAIL



SPECIAL EXCEPTION AMENDMENT PLAT

MOUNT VERNON SHOPPING CENTER

LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

REVISION APPROVED BY

NO.	DESCRIPTION	DATE	BY	APPROVED	DATE

WALTER L. PHILLIPS
 INCORPORATED ESTABLISHED 1945

Engineers • Surveyors • Planners
 Landscape Architects • Arborists
 207 PARK AVENUE
 FALLS CHURCH, VIRGINIA 22046
 (703) 532-6183 Fax (703) 533-1301
 www.WLPINC.com

DATE: 06/11/18, REV: 10/21/18, 01/13/18
 SCALE: 1" = 30'

DESCRIPTION OF THE APPLICATION

The applicant, Hybla Center LP, has requested the approval of a Special Exception (SE) to operate a vehicle light service establishment¹ in an existing commercial space. The vehicle light service establishment would be located in a vacant space at the northern end of the Mount Vernon Crossroads Shopping Center. Vehicle light service establishments are allowed in the C-6 District with the approval of a SE by the Board of Supervisors (BOS) when the use is not located in a regional shopping center.

If approved, the Pep Boys Express currently located within the shopping center as a retail sales establishment would vacate its existing space and relocate to the northernmost portion of the shopping center, which is furnished with five service bays. Pep Boys would continue to operate the retail segment of the business while adding vehicle repair and maintenance services.

No building additions or site modifications are proposed with the applicant's request. The Special Exception Plat (SE Plat) submitted by the applicant displays new landscaping within the proposed SE site area along with additional trees which would be planted on the property to the west.

The applicant has included the following details related to the operation of the proposed use:

Employees:	3-4 employees on site per shift working in the service bays; during busy shifts, typically on the weekends, a maximum of 5 service employees would be on site
Hours of Operation:	8:00 a.m. – 9:00 p.m., Monday through Friday 8:00 a.m. – 8:00 p.m., Saturday 9:00 a.m. – 6:00 p.m., Sunday
Parking:	11 spaces devoted to the use
Anticipated Customers:	23 daily customers (average based on similarly sized Pep Boys)

The applicant has submitted eight requests for waivers and modifications of the requirements of the Zoning Ordinance:

¹ The Fairfax County Zoning Ordinance defines *vehicle light service establishments* as "buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle accessories, such as the following: spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiperblades, grease retainers, wheel bearings, and mirrors. Vehicle light service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor. Uses permissible at a vehicle light service establishment shall not include major mechanical and body work, the 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."

- Modification of the minimum lot size requirement in a CRD to permit a lot of 12,625 square feet instead of the required 40,000 square feet;
- Modification of the minimum lot width requirement in a CRD to permit a lot width of 73 feet instead of the required 200 feet;
- Waiver of the open space requirement in a CRD for the Special Exception area;
- Modification of the transitional screening requirement along the Special Exception area's eastern and western boundaries;
- Waiver of the barrier requirement along the Special Exception area's eastern and western boundaries;
- Waiver of the interior parking lot landscaping requirements;
- Waiver of the peripheral parking lot landscaping requirements; and,
- Deviation from the tree canopy target percentage in favor of the landscaping shown on the SE Plat.

A reduced copy of the submitted Special Exception (SE) Plat is included at the beginning of this staff report. Copies of the proposed development conditions, affidavit, and applicant's statement of justification are included in Appendices 1, 2, and 3, respectively.

LOCATION AND CHARACTER

The subject property is located at 7800 Richmond Highway, along the western side of the road. The entire property is 7.38 acres, but only the northern 5.02 acres of the property is zoned C-6 Community Retail Commercial District. The proposed vehicle light service establishment would be entirely contained within the C-6 portion of the property. The remaining 2.36 acres are zoned C-8 Highway Commercial District. The property is within the Richmond Highway Commercial Revitalization District (CRD) and Highway Corridor (HC) overlay districts.



Figure 1: The former location of Cycle Sports, the previous tenant. The applicant's proposal is to relocate the Pep Boys Express in the shopping center to this store front (Source – Fairfax County DPZ Staff site visit, 1/6/2012)

The 83,000 square foot shopping center is served by 396 parking spaces located between the front of the shopping center and a two-way service drive along Richmond Highway. Apart from a minimal number of curbed islands with grass found at the parking lot's edges, the site is devoid of landscaping and entirely impervious.

Belford Drive is a private street that traverses the shopping center's northern and southern property boundaries. The street loops behind the shopping center into the Murraygate Village apartment complex, located behind the center, and serves as the primary ingress/egress for pedestrians and vehicles into the community. While Murraygate Village has two access points to Belford Drive, the southern access is closed with an iron gate². Residents use the northern access out to Richmond Highway. Belford Drive has no sidewalks or other pedestrian amenities. This northern access borders the five service bays and four of the parking spaces which would serve the proposed vehicle light service establishment.

The subject property is located across the street from the Village at Gum Springs, which includes 160 townhouses and five single family detached houses. The closest northbound bus stop for residents in the immediate vicinity was installed as a part of this rezoning. These nearby properties are discussed further in Table 1.

Direction	Use	Zoning	Plan
North	Shopping Center	C-8	Retail & Other
South	Shopping Center	C-8	Retail & Other
East	Single family attached dwelling units	R-20	Residential; 5-8 DUA
West	Multi-family dwelling units	R-20	Residential; 16-20 DUA

BACKGROUND

On December 9, 1964, the BOS approved A-979 to rezone four parcels of approximately 15.72 acres from I-P to C-G and C-D³. These parcels were developed with two projects simultaneously: the shopping center was constructed in 1968, and a 200-unit apartment complex was constructed to the rear of the shopping center in 1971.

- ² According to staff from the Department of Housing and Community Development, the second access to Belford Drive was closed shortly after the apartments were purchased by the FCHRA. This second access was closed in consultation with the Fairfax County Police Department to enhance security for the residents and to reduce trespass activity. Since the FCHRA purchase of the property, the number of service calls to Fairfax County Police has been reduced significantly as has the trespass activity which was a priority for the property management staff. FCHRA has invested in the property through rehabilitation of the units and an enhanced site entrance.
- ³ The zones referenced in the staff report all pre-date the current 1978 Zoning Ordinance. The I-P (Industrial Park) District was reclassified as I-3 or I-4 depending on the existing use, location and Comprehensive Plan recommendation at the time in 1978. The C-G (Commercial General) District became the C-8 District, while C-D (Commercial Designed Shopping Center) is now C-6 or C-7 I, depending on the location and Comprehensive Plan recommendation at the time.

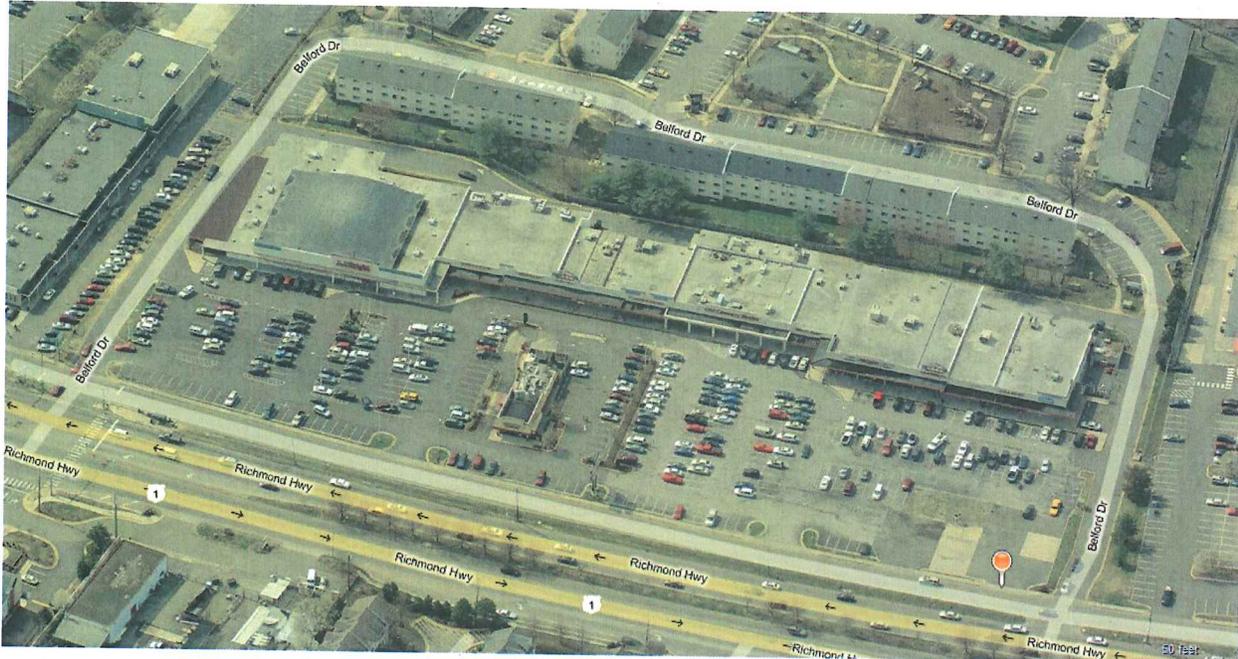


Figure 1: An aerial view of the Mount Vernon Crossroads Shopping Center looking west. The proposed use would be located in the commercial space farthest to the right. Note how Belford Drive is shown looping around the back of the site through the Murraygate Village apartment complex (Source – Bing Maps, Pictometry International Corporation)

The apartments were purchased by the Fairfax County Redevelopment and Housing Authority (FCHRA) in 1993 and subsequently rezoned from C-8 to R-20. The BOS approved RZ 88-L-078 on April 12, 1993, subject to executed proffers which preserved the units as affordable in accordance with Sect. 2-800 of the Zoning Ordinance. The FCHRA today owns and manages the apartment complex, now known as Murraygate Village.

A Popeyes fast food restaurant is located in front of the shopping center and is permitted by SEA 82-L-017, which was approved by the Board of Supervisors (BOS) on July 18, 1994.

The commercial space where the proposed use would be located has a long history of use for motor vehicle related uses. The approved site plan from 1968 identifies the square footage being occupied by Nationwide Safti Brake Center, and the space was also used by Speedy Muffler King, both vehicle light service establishments. The most recent tenant was Cycle Sports, a vehicle sale, rental and ancillary service establishment which sold and serviced imported motorcycles. On March 27, 2000, the BOS approved SE 99-L-045 to allow the use subject to conditions requiring landscaped planter boxes on the shopping center's walkway and a prohibition on the outdoor storage or display of vehicles. The BOS also approved a number of waivers and modifications associated with the use, many of which are identical to the current applicant's request.

DESCRIPTION OF THE SPECIAL EXCEPTION PLAT

The first sheet of the SE Plat contains a series of general notes, the requested waivers and modifications, and information related to the site's zoning and the use's parking requirements. For the vehicle light service establishment use at this location, which would be within a shopping center, the applicant has used the shopping center rate to calculate the required parking to be designated for the use. The Zoning Administration Division (ZAD) of the Department of Planning and Zoning has verified that this is the correct rate, as opposed to the vehicle light service establishment rate, to use for this circumstance.

The second sheet of the SE Plat provides a plan view of the entire subject property, showing the existing shopping center building, the fast food restaurant, the parking field, and all roads which offer ingress and egress to the site. Belford Drive is clearly identified on this sheet, bookending the shopping center to the north and south. The applicant has also identified the line which demarcates the C-8 zoned portion of the property to the south and the C-6 zoned portion to the north.

Finally, the third sheet focuses on the northern end of the shopping center (Figure 3) where the vehicle light service establishment would be located. As displayed in Figure 4, a 12,625 square foot lot has been outlined as the proposed SE area. This SE lot includes an area to the rear of the shopping center for loading and parking, the service bays, the concrete area immediately outside them, and eleven parking spaces in the existing parking field to be designated for the use. The service bays occupy approximately 2,000 square feet of the existing building.



Figure 3: An aerial view of the existing service bays looking south. Belford Drive, which links Murraygate Village to Richmond Highway, passes in front of the service bays and four parking spaces. (Source – Bing Maps, Pictometry International Corporation)

The applicant has chosen to not include the remaining 8,200 square feet of the commercial space which would be occupied by Pep Boys for their retail sales, nor the 3,200 square foot lounge area which would be used by customers who are waiting for the service to be completed on their vehicles. The boundary of the SE area was selected purposefully to focus the applicant's request solely on the area where employees would be performing the vehicle repairs.

In an effort to identify a zone for pedestrians to use who walk from Murraygate Village out to Richmond Highway, the applicant has delineated a four-foot wide striped path along the mouth of the concrete area immediately outside of the service bays. The applicant has also included landscaping in a curbed island which would be used to screen the view from Murraygate Village of cars entering and exiting the service bays. Two proposed planter boxes would supplement this landscaping along the walkway at the shopping center's northeastern corner.

There are five tall holly trees shown on the adjacent Murraygate Village property near the pedestrian walkway which leads into the site. The applicant has included a note on this sheet of the SE Plat which states that the location of these trees would be adjusted as necessary during their installation.

ANALYSIS

Comprehensive Plan

The subject property is located within the Hybla Valley/Gum Springs Community Business Center. The Fairfax County Comprehensive Plan recommends that this parcel and the shopping center to the immediate south maintain retail uses up to 0.50 floor area ratio (FAR). If the property were to redevelop, the Plan calls for the proposed site design to "better integrate this area through improvements to interparcel and pedestrian access, internal circulation, landscaping screening and buffering to adjacent residential uses, façade improvements and coordination of signage."⁴

Since the applicant has not proposed a redevelopment of the property, the site specific language from the Comprehensive Plan is not applicable.

General Special Exception Standards (Sect. 9-006)

All special exception uses shall satisfy the following general standards:

1. *The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.*

While the Comprehensive Plan's site specific language is not applicable in this case, the Richmond Highway Corridor's Concept for Future Development calls for "community serving retail" uses within the six Community Business Centers

⁴ Fairfax County Comprehensive Plan, 2011 Edition, Amended through 6/21/2011
Area IV, Mount Vernon Planning District, Richmond Highway Corridor Area, p. 53.

along Richmond Highway. The Plan envisions quality development that reduces adverse impacts on any adjacent residential communities. The proposed landscaping and striped path, along with the development conditions listed in Appendix 1, would mitigate these impacts. As such, the proposed use would be in harmony with the Comprehensive Plan.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The purpose and intent of the C-6 zone is to provide locations for retail commercial and service uses which serve multiple neighborhoods. Development in C-6 districts is encouraged in compact centers planned as a unit for orderly development which minimize traffic congestion and provide for safe and unimpeded pedestrian movement. The proposed use would be harmonious with the C-6 district purpose and intent.

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.*

The proposed use has the potential to have adverse impacts on the neighboring properties. The applicant has made several commitments to address these impacts, and the proposed development conditions would also ensure that the vehicle light service establishment would not hinder or discourage the use of the adjacent land.

The applicant has indicated to staff that any dumpsters associated with the proposed use would be located at the rear of the shopping center. To mitigate the visual impacts on residences which would face these dumpsters, staff has proposed a development condition that would require any dumpsters within the application site area to be enclosed.

Staff harbored concerns related to the level of noise generated by a vehicle light service establishment at the proposed location. The service bays could be disruptive to nearby residents due to the noise generated by the servicing of vehicles or outdoor loudspeakers. In addition, the applicant's original statement of justification noted business hours which ended at 9:00 p.m. daily, as noted in the Office of Community Revitalization memorandum (Appendix 6). To mitigate these impacts, the applicant should not install any outdoor loudspeakers, and revise the hours of operation to end at 9:00 p.m. Monday through Friday, 8:00 p.m. on Saturday, and 6:00 p.m. on Sunday. Staff has included these measures in the proposed development conditions in Appendix 1.

It is staff's assertion that by keeping the service bay doors closed when vehicle repairs are being made, the noise from the repairs would be significantly muffled for nearby residents. The applicant expressed concerns with such an approach, noting that the service bays are not fully air conditioned and would create dangerous working conditions for employees during summer months. According to the applicant, the bays are equipped with wall-mounted fans for cooling and air movement, overhead heaters for winter months, and a make-up air unit which draws in air from the outside and provides for the required clean air exchange.

To reduce the noise impacts in a way that does not endanger employees, staff has proposed a condition that would require the repairs to be performed within the bays. The doors would need to remain closed except in situations where elevated temperatures during warm weather would create unsafe conditions for the employees.

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.*

The Comprehensive Plan places particular emphasis on a "safe, harmonious, barrier-free network of appropriately-sized pedestrian connections between existing and new uses and leading to bus/transit stops and covered waiting areas."⁵

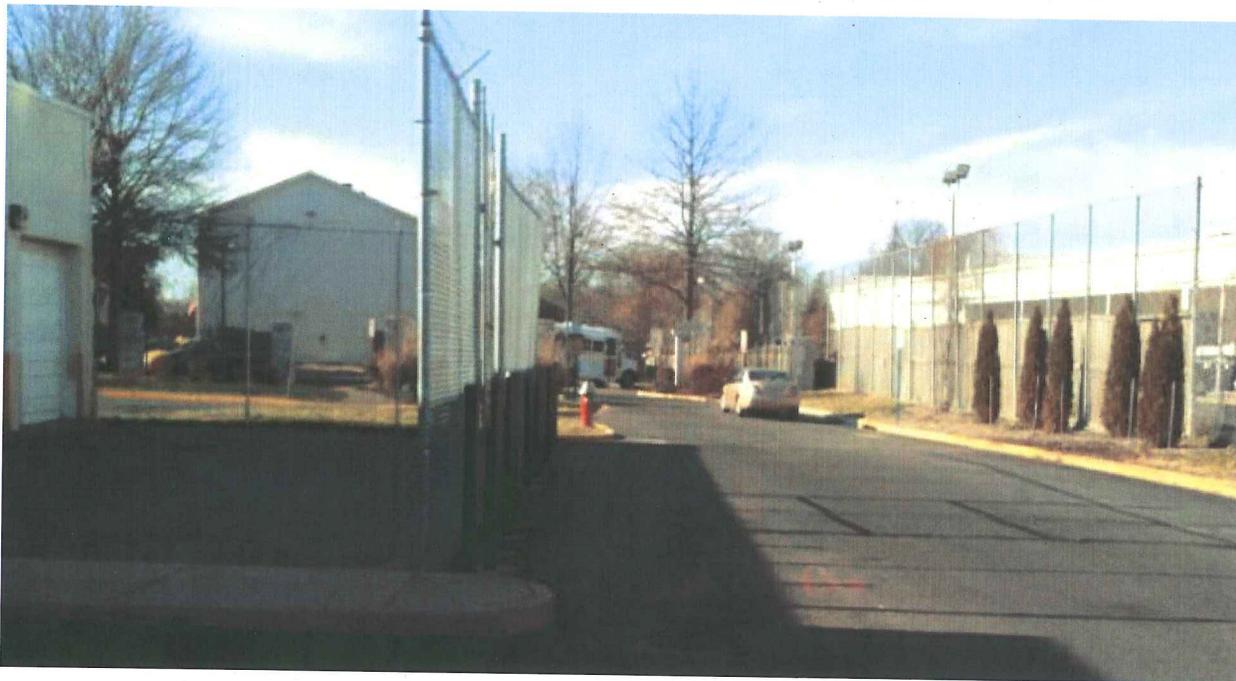


Figure 5: The striped path would be located between the concrete island in the foreground and the fire hydrant in the background. The bollards and fencing shown in the site photo, installed by the applicant to prevent overnight parking, would be removed if the Special Exception were to be approved (Source – Fairfax County DPZ Staff site visit, 1/6/2012)

Because of Murraygate Village's site layout, the primary ingress and egress for vehicles and pedestrians passes right in front of the service bay doors. Staff has identified the potential for conflicts between cars backing out from the service bays on to Belford Drive and pedestrians or cars travelling from Murraygate Village to Richmond Highway.

The four-foot wide striped path shown on the SE Plat would clearly identify this zone as an area for pedestrians, alerting drivers using Belford Drive. Pedestrians walking from Murraygate Village east toward Richmond Highway could use the striped path to reach a concrete island connected to the shopping center's walkway. While no sidewalk is available for pedestrians to use to get to Richmond Highway, pedestrians may use the parking lot as opposed to Belford Drive as a safer option for travel.

The construction of a sidewalk along Belford Drive's entire length would not be commensurate with the scale or intensity of use proposed with the applicant's request; furthermore, a 15-foot wide Fairfax County Water Authority easement occupies almost half of Belford Drive's length, which would constrain the location of any new sidewalks. A sidewalk along the SE lot's boundary would only create an incomplete pedestrian link, while still not being proportionate to a proposed use with no new construction and minimal site modifications. The striped path provides the best possible approach to reduce the potential for conflicts between pedestrians and cars going in and out of the service bays.

The Fairfax County Department of Transportation (FCDOT) shared staff's concern related to vehicular conflicts along Belford Drive with cars entering and exiting the service bays (Appendix 5). Staff has incorporated their recommendation into the proposed development conditions to allow only employees to drive cars in and out of the service bays.

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.*

The subject property was developed prior to the adoption of the 1978 Zoning Ordinance, which requires transitional screening and barriers between incompatible uses and supplemental landscaping within and along the periphery of parking lots. Because of the shopping center's age, the applicant was not required to provide this landscaping at that time. The location of the shopping center's rear drive aisle, virtually along the property line, provides no viable option for the applicant to conform to the Ordinance's requirements for screening or barriers.

In an effort to introduce landscaping to the SE lot, and to provide screening between the service bay doors and the adjacent apartment community, the applicant has included landscaping in the curbed island at the building's northwestern corner along with five holly trees on the Murraygate Village

property. Staff has included a development condition in Appendix 1 which would require coordination of the off-site plantings with FCHRA, but not explicitly mandate their planting should an off-site location not be selected.

The installation of the two planter boxes along the shopping center's walkway conforms to conditions which were adopted by the BOS in SE 99-L-045 for the vehicle sale, rental and ancillary service establishment.

With the above improvements and the associated waivers and modifications discussed on page 15, the provisions and standards of Article 13 of the Zoning Ordinance would be satisfied.

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

The applicant has requested a waiver of the open space requirement. This request is evaluated and addressed in the staff analysis of the applicable Zoning Ordinance Provisions on page 14.

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.*

The Department of Public Works and Environmental Services has verified with staff that the adequate facilities to serve the proposed use are in place. The eleven parking spaces would satisfy the minimum number of parking spaces required per the Zoning Ordinance. No loading spaces would be required for a vehicle light service establishment per 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.*

The applicant has not incorporated any requests related to signs with this Special Exception application. All signs related to the proposed use shall be in accordance with the provisions of Article 12 of the Zoning Ordinance.

In summary, the proposed use satisfies all of the General Special Exception Standards.

Standards for all Category 5 Uses (Sect. 9-503)

All Category 5 uses shall satisfy the following standards:

1. *Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.*

The applicant has requested a series of waivers and modifications associated with the lot size and bulk regulations of the C-6 district. These requests are evaluated in the staff analysis of the applicable Zoning Ordinance Provisions on page 14.

2. *All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.*

The proposed use would comply with all performance standards in Article 14.

3. *Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.*

The proposed use would not trigger the submission requirements for a site plan as the use would occupy an existing commercial space with no exterior building changes and minimal site improvements; thus, this standard is not applicable.

In summary, the proposed use would satisfy all of the Standards for Category 5 Uses.

Additional Standards for Automobile-Oriented Uses (Sect. 9-505)

Automobile-oriented uses, when permitted by special exception, shall satisfy the following standards:

- A. *Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.*

The proposed use would be located within an existing shopping center. The commercial space where the use would be located has a commercial storefront with tall windows that reveal the interior store layout and partially wrap around to the service bays. The rear of the building fronts along a drive aisle used by the commercial tenants for rear entry into the individual spaces. Architecturally, the building is most compatible with the adjacent shopping centers to the north and south. While the multifamily dwellings to the rear of the shopping center are less compatible, the barrier fence and trees along the apartments' property boundary provide screening of their commercial neighbor to the east.

- B. *Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.*

The proposed striping of the pedestrian path, coupled with the proposed development conditions, would ensure that pedestrian and vehicular circulation is coordinated with the residential property to the west. The applicant has not proposed any site modifications which would hinder any coordination of similar efforts with the shopping center to the north.

- C. *The site shall 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.*

Employees who would be moving cars in and out of the service bays have clear lines of sight along Belford Drive to avoid turning movement conflicts with motorists or pedestrians. The applicant would use spaces in the existing parking lot, which would facilitate safe and convenient vehicle and pedestrian access to the site. No stacking spaces are required for the proposed use.

- D. *In reviewing such a use or combination of uses, it shall be determined that the lot is of 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.*

The area and width of the lot is sufficient to accommodate the proposed use, as the use would be on a 7.38 acre parcel. With the implementation of the proposed development conditions, staff is not concerned that the use would have adverse impacts on the nearby residential area.

- E. *For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.*

The proposed use is not be a drive-through pharmacy. This standard is not applicable.

In addition to Parts A-E above, the following standards shall apply to uses located within the C-5 and C-6 Districts:

- A. *There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.*

Staff has included a development condition to address this additional standard.

- B. *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.*

The proposed use is not a service station or service station/mini Mart. This standard is not applicable.

In summary, the proposed use satisfies all applicable Additional Standards for Automobile-Oriented Uses.

Highway Corridor Standards

The subject property is located in a Highway Corridor Overlay District. The proposed use of a vehicle light service establishment is not subject to the provisions of this overlay district.

ZONING ORDINANCE PROVISIONS

The SE Lot that would be created with an approved Special Exception must comply with the applicable regulations of the Zoning Ordinance. A comparison of the C-6 District requirements and the lot shown on the SE Plat are outlined below in Table 2:

Standard	Required	Provided
Lot Size	Minimum 40,000 sq. ft.	12,625 sq. ft. ⁶
Lot Width	Minimum 200 ft.	73 ft. ⁷
Maximum Building Height	Maximum 40 ft.	25 ft.
Required Front Yard	45 degree angle of bulk plane, but no less than 40 feet.	220 feet (Richmond Highway)
Required Side Yard	None required	≈36 feet (northern property line) ≈655 feet (southern property line)
Required Rear Yard	20 feet.	≈29 feet
Maximum FAR	0.40	0.16
Minimum Open Space	15% of gross area	≈11% ⁸
Parking Spaces (Shopping Center)	7 spaces ⁹	11 spaces
Loading Spaces	None	1
Peripheral Parking Lot Landscaping	A landscaping strip four (4) feet in width between the parking lot and the abutting property line and one (1) tree every fifty (50) feet	None ¹⁰
Interior Parking Lot Landscaping	5% of the total parking lot area	None ¹¹

- 6** The applicant has requested a waiver of the minimum lot size requirement.
- 7** The applicant has requested a waiver of the minimum lot width requirement.
- 8** The applicant has requested a waiver of the minimum open space requirement.
- 9** Article 11 of the Zoning Ordinance requires 4.3 parking spaces per 1000 square feet of gross floor area for shopping centers ($4.3/1000 \times 2000 = 8.6$, or 9 spaces rounded up). The CRD regulations allow a reduction of the minimum off-street parking requirement by 20% ($8.6 \times 20\% = 1.72$, or a 2 space reduction rounded up).
- 10** The applicant has requested a waiver of the peripheral parking lot landscaping requirement.
- 11** The applicant has requested a waiver of the interior parking lot landscaping requirement.

WAIVERS AND MODIFICATIONS

- **Lot size, open space, and lot width**

The BOS may modify the above provisions in a CRD in conjunction with the approval of a special exception. Staff supports the applicant's request for a waiver of the minimum lot size, open space and lot width requirements, as the proposed use would be located within an existing structure. This approval would be in accordance with and would further the implementation of the Comprehensive Plan for the Richmond Highway CRD, which seeks to "encourage revitalization and redevelopment of the Richmond Highway Corridor to create more attractive, commercially-viable, and functionally-efficient business centers and community focal points" and to "provide expanded employment opportunities and improve the economic condition of residents in the Richmond Highway Corridor."¹²

- **Transitional screening and barrier requirements (Table 3)**

The Zoning Ordinance permits the BOS to waive or modify the above requirements where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impacts through a combination of architectural and landscaping techniques. The location of the bay doors at the northern end of the shopping center, as opposed to the western side of the building which would face the apartments, coupled with the applicant's commitments to install on- and off-site landscaping would minimize the adverse impacts associated with the use. Staff supports the applicant's request.

- **Peripheral and interior parking lot landscaping**

The BOS, in conjunction with the approval of a special exception, may approve a waiver or modification of the above requirements where deemed appropriate due to the location, size, surrounding area or configuration of the parking lot and where the waiver or modification would not have a deleterious effect on the existing or planned development of the adjacent properties. The location and size of the SE area, coupled with the surrounding uses of a similar nature, would justify granting the above request.

- **Tree canopy percentage**

The Tree Conservation Ordinance permits the Director of DPWES to allow a deviation from the required tree canopy target where the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer. In this instance, given the existing site layout with minimal tree cover and the applicant's proposal to locate the use in an existing building with minimal site modification, staff is supportive of the applicant's request. Should the property redevelop in the foreseeable future, the applicant would be required to conform to the County's Tree Conservation Ordinance.

TABLE 3 – Article 13 Standards for Proposed Use		
Standard	Required	Provided
Transitional Screening		
North (Shopping Center)	None	None
South (Shopping Center)	None	None
East (Single family detached dwelling units)	Transitional Screening 3 ¹³	None ¹⁴
West (Multi-family dwelling units)	Transitional Screening 2 ¹⁵	5 holly trees, 1 London plane tree, and 12 holly shrubs ¹⁶
Barrier		
North (Shopping Center)	None	None
South (Shopping Center)	None	None
East (Single family detached dwelling units)	E, F, or G ¹⁷	None ¹⁸
West (Multi-family dwelling units)	E, F, or G ¹⁷	None ¹⁸

- 13** Transitional Screening 3 shall consist of an unbroken strip of open space a minimum of fifty (50) feet wide planted with all of the following: (1) A mixture of large and medium evergreen trees and large deciduous trees that achieves a minimum ten (10) year tree canopy of seventy-five (75) percent or greater; (2) A mixture of trees consisting of at least seventy (70) percent evergreen trees, and consisting of no more than thirty-five (35) percent of any single species of evergreen or deciduous tree; and (3) A mixture of predominately medium evergreen shrubs at a rate of three (3) shrubs for every ten (10) linear feet for the length of the transition yard area. The shrubs shall generally be located away from the barrier and staggered along the outer boundary of the transition yard.
- 14** The applicant has requested a waiver of the transitional screening requirement along the eastern property boundary.
- 15** Transitional Screening 2 shall consist of an unbroken strip of open space a minimum of thirty-five (35) feet wide and planted with all of the following: (1) A mixture of large and medium evergreen trees that achieves a minimum ten (10) year tree canopy of seventy-five (75) percent or greater; (2) A mixture of trees consisting of at least seventy (70) percent evergreen trees, and consisting of no more than thirty-five (35) percent of any single species of evergreen or deciduous tree; and (3) A mixture of predominately medium evergreen shrubs at a rate of three (3) shrubs for every ten (10) linear feet for the length of the transition yard area. The shrubs shall generally be located away from the barrier and staggered along the outer boundary of the transition yard.
- 16** The applicant has requested a modification of the transitional screening requirement along the western property boundary in favor of the landscaping shown on the SE Plat.
- 17** Barrier E shall consist of a 6 foot wall, brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides; Barrier F shall consist of a 6 foot high solid wood or otherwise architecturally solid fence; Barrier G shall consist of a 6 foot chain link fence and may be required to have inserts in the fence fabric or to be coated.
- 18** The applicant has requested a waiver of the barrier requirement along the eastern and western property boundaries.

CONCLUSIONS

In summary, the applicant's request to locate a vehicle light service establishment in an existing commercial space with a history of similar usage would have minimal impacts on the surrounding properties. The applicant's site design, coupled with the proposed development conditions, would diminish the effects of said impacts on nearby merchants and the adjacent residents.

The proposed use of the property is in harmony with the Comprehensive Plan and meets all applicable provisions of the Zoning Ordinance.

STAFF RECOMMENDATION

Staff recommends approval of SE 2011-LE-017, subject to the development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a modification of the minimum lot size requirement to permit a lot of 12,625 square feet instead of the required 40,000 square feet.

Staff recommends approval of a modification of the minimum lot width requirement to permit a lot width of 73 feet instead of the required 200 feet.

Staff recommends approval of a waiver of the open space requirement for the Special Exception area.

Staff recommends approval of a modification of the transitional screening requirement and a waiver of the barrier requirement along the Special Exception area's eastern and western boundaries.

Staff recommends approval of a waiver of the peripheral and internal parking lot landscaping requirements.

Staff recommends approval of a deviation from the tree canopy percentage in favor of the landscaping shown on the SE Plat.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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

APPENDICES

1. Proposed Development Conditions dated February 23, 2012.
2. Affidavit dated February 7, 2012
3. Applicant's Statement of Justification
4. Applicant's Memorandum to Staff dated January 17, 2012
5. Fairfax County Department of Transportation Analysis
6. Office of Community Revitalization and Reinvestment Analysis
7. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SE 2011-LE-017

February 23, 2012

If it is the intent of the Board of Supervisors to approve SE 2011-LE-017 located at Tax Map 101-2 ((6)) 507B Pt., 7800 Richmond Highway, for use as a vehicle light service establishment pursuant to Sect. 4-604 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat (SE Plat) prepared by Walter L. Phillips, Inc., dated January 13, 2012, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The hours of operations shall be limited to the following:
 - 8:00 AM – 9:00 PM, Monday through Friday
 - 8:00 AM – 8:00 PM, Saturday
 - 9:00 AM – 6:00 PM, Sunday
5. Dumpsters on the application site shall be fully enclosed with a masonry wall or board-on-board fence and a gate.
6. No loudspeakers shall be permitted.
7. Vehicle repairs shall be performed within interior service bays only. In order to further mitigate noise impacts, the service bay doors shall only be opened for the ingress and egress of vehicles and remain closed when vehicle repairs are being made. Individual bay doors shall remain closed, even when no vehicle is located in the service bay. The applicant may allow the service bay doors to remain open when the interior air quality of the service bays poses an unsafe work environment due to inadequate ventilation or excessive heat during warm weather.

8. The applicant shall install and maintain the planter boxes as shown on the SE Plat. Any plants which are dead, diseased or dying shall be replaced immediately by the applicant.
9. Notwithstanding the tree species identified on the SE Plat, the plant species chosen for the planter boxes and supplemental landscaping shall be subject to the review and approval of the Department of Public Works and Environmental Services' Urban Forestry Management Division (UFMD) prior to the issuance of a Non-Residential Use Permit (Non-RUP).
10. Notwithstanding the tree species identified on the SE Plat, the applicant shall coordinate the location and tree species selection of the off-site plantings with the adjacent property owner to the west. In the event that the adjacent property owner to the west does not permit the off-site plantings to be planted as evidenced by written correspondence, the applicant shall not be required to implement the off-site plantings shown on the SE Plat.
11. The movement of cars in and out of the service bays shall only be performed by the employees of the vehicle light service establishment.
12. There shall be no outdoor storage or display area of goods offered for sale.
13. No wrecked, inoperative, or abandoned vehicles shall be stored onsite.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as evidenced by the issuance of a Non-RUP for the vehicle light service establishment. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 7, 2012
(enter date affidavit is notarized)

I, Molly M. Novotny, 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

114085a

in Application No.(s): SE 2011-LE-017
(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.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Includes entries for Hybla Center Limited Partnership, Walter L. Phillips, Inc., and The Pep Boys.

(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: February 7, 2012
(enter date affidavit is notarized)

114085a

for Application No. (s): SE 2011-LE-017
(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)
Cooley LLP - Antonio J. Calabrese - Mark C. Looney - Colleen P. Gillis Snow - Jill S. Parks - Brian J. Winterhalter - Shane M. Murphy - Jeffrey A. Nein - Ben I. Wales - Molly M. Novotny	One Freedom Square 11951 Freedom Drive Suite 1500 Reston, VA 20190	Agent/Attorney Agent/Attorney Agent/Attorney Agent/Attorney Agent/Attorney Agent/Attorney Agent/Planner Agent/Planner

(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: February 7, 2012
(enter date affidavit is notarized)

114085 a

for Application No. (s): SE 2011-LE-017
(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)

Walter L. Phillips, Inc.
207 Park Avenue
Falls Church, VA 22046

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)

Jeffrey J. Stuchel
Brian G. Baillargeon
Aaron M. Vinson

(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: February 7, 2012
(enter date affidavit is notarized)

114085a

for Application No. (s): SE 2011-LE-017
(enter County-assigned application number (s))

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

The Pep Boys - Manny, Moe & Jack
311 W. Allegheny Avenue
Philadelphia, PA 19132

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)

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

SB Investments, Inc.
4733 Bethesda Avenue
Suite 650
Bethesda, MD 20814

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)

Marc F. Solomon

(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: February 7, 2012
(enter date affidavit is notarized)

114085a

for Application No. (s): SE 2011-LE-017
(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)

Hybla Center Limited Partnership
c/o Finmarc Management
4733 Bethesda Avenue, Suite 650
Bethesda, MD 20814

(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)

Marc F. Solomon, Limited Partner
SB Investments, Inc., General Partner (owns less than 10% of Hybla Center Limited Partnership)

(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 Attachment to Par. 1(c)

DATE: February 7, 2012
(enter date affidavit is notarized)

114085a

for Application No. (s): SE 2011-LE-017
(enter County-assigned application number (s))

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

Cooley LLP
Reston Town Center, One Freedom Square
11951 Freedom Drive
Reston, VA 20190

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Gian-Michele a Marca
Jane K. Adams
Maureen P. Alger
Thomas R. Amis
Mazda K. Antia
Gordon C. Atkinson
Michael A. Attanasio
Jonathan P. Bach
Charles J. Bair
Celia Goldwag Barenholtz
Frederick D. Baron
Matthew S. Bartus
James A. Beldner

Keith J. Berets
Connie N. Bertram
Laura Grossfield Birger
Ian B. Blumenstein
Barbara L. Borden
Jodie M. Bourdet
Wendy J. Brenner
Matthew J. Brigham
James P. Brogan

Nicole C. Brookshire
Matthew D. Brown
Alfred L. Browne III
Matthew T. Browne
Robert T. Cahill
Antonio J. Calabrese
Christopher C. Campbell
William Lesse Castleberry
Lynda K. Chandler
Dennis (nmi) Childs
William T. Christiansen, II

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: February 7, 2012
(enter date affidavit is notarized)

114085_w

for Application No. (s): SE 2011-LE-017
(enter County-assigned application number (s))

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

Cooley LLP
Reston Town Center, One Freedom Square
11951 Freedom Drive
Reston, VA 20190

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Samuel S. Coates
Alan S. Cohen
Jeffrey L. Cohen
Thomas A. Coll
Joseph W. Conroy
Jennifer B. Coplan
Carolyn L. Craig
John W. Crittenden
Janet L. Cullum
Nathan K. Cummings
John A. Dado
Craig E. Dauchy
Wendy (nmi) Davis
Renee R. Deming
Darren K. DeStefano
Jennifer Fonner DiNucci
Michelle C. Doolin
Christopher (nmi) Durbin
John C. Dwyer
Shannon (nmi) Eagan
Robert L. Eisenbach, III
Sonya F. Erickson
Lester J. Fagen
Brent D. Fassett
David J. Fischer
M. Wainwright Fishburn, Jr.
Richard H. Frank
Steven L. Friedlander
Thomas J. Friel, Jr.
Francis (nmi) Fryscak,
Koji F. Fukumura
James F. Fulton, Jr.

William S. Galliani
W. Andrew H. Gantt III
Stephen D. Gardner
Jon E. Gavenman
Kathleen A. Goodhart
Lawrence C. Gottlieb
Shane L. Goudey
William E. Grauer
Jonathan E. Graves
Eric (nmi) Grossman
Kenneth L. Guernsey
Patrick P. Gunn
Jeffrey M. Gutkin
John B. Hale
Bernard L. Hatcher
Matthew B. Hemington
Cathy Rae Hershcopf
John (nmi) Hession
Gordon (nmi) Ho
Suzanne Sowachka Hooper
Mark M. Hrenya
Christopher R. Hutter
Jay R. Indyke
Craig D. Jacoby
Eric C. Jensen
Mark L. Johnson
Robert L. Jones
Barclay J. Kamb
Richard S. Kanowitz
Kimberly J. Kaplan-Gross
Jeffrey S. Karr
Sally A. Kay
Heidi M. Keefe
Kevin F. Kelly
Jason L. Kent
Charles S. Kim
Kevin M. King

James C. Kitch
Michael J. Klisch
Jason M. Koral
Barbara A. Kosacz
Kenneth J. Krisko
John S. Kyle
Carol Denise Laherty
Mark F. Lambert
Matthew E. Langer
Samantha M. LaPine
John G. Lavoie
Robin J. Lee
Ronald S. Lemieux
Natasha (nmi) Leskovsek
Shira Nadich Levin
Alan (nmi) Levine
Michael S. Levinson
Elizabeth L. Lewis
Michael R. Lincoln
James C. T. Linfield
Chet F. Lipton
Cliff Z. Liu
Samuel M. Livermore
Douglas P. Lobel
J. Patrick Loofbourrow
Mark C. Looney
Robert B. Lovett
Andrew P. Lustig
Lori (nmi) Mason
Thomas O. Mason
Keith A. McDaniels
John T. McKenna
Bonnie Weiss McLeod
Mark A. Medearis
Laura M. Medina
Daniel P. Meehan
Beatriz (nmi) Mejia
Craig A. Menden
Erik B. Milch

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: February 7, 2012

(enter date affidavit is notarized)

114085a

for Application No. (s): SE 2011-LE-017

(enter County-assigned application number (s))

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

Cooley LLP
 Reston Town Center, One Freedom Square
 11951 Freedom Drive
 Reston, VA 20190

(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Robert H. Miller
 Chadwick L. Mills
 Patrick J. Mitchell
 Ann M. Mooney
 Timothy J. Moore
 William B. Morrow, III
 Howard (nmi) Morse
 Frederick T. Muto
 Ryan E. Naftulin
 Stephen C. Neal
 William H. O'Brien
 Thomas D. O'Connor
 Ian (nmi) O'Donnell
 Kathleen (nmi) Pakenham
 Nikesh (nmi) Patel
 Timothy G. Patterson
 Amy Elizabeth Paye
 Anne H. Peck
 D. Bradley Peck
 Susan Cooper Philpot
 Benjamin D. Pierson
 Frank V. Pietrantonio
 Mark B. Pitchford
 Michael L. Platt
 Christian E. Plaza
 Anna B. Pope
 Marya A. Postner
 Steve M. Przesmicki
 Seth A. Rafkin
 Frank F. Rahmani
 Marc (nmi) Recht
 Thomas Z. Reichera

Michael G. Rhodes
 Michelle S. Rhyu
 John W. Robertson
 Ricardo (nmi) Rodriguez
 Kenneth J. Rollins
 Richard S. Rothberg
 Adam J. Rutenberg
 Thomas R. Salley III
 Jessica Valenzuela Santamaria
 Glen Y. Sato
 Martin S. Schenker
 Joseph A. Scherer
 William J. Schwartz
 Audrey K. Scott
 John H. Sellers
 Ian R. Shapiro
 Michael N. Sheetz
 Jordan A. Silber
 Brent B. Siler
 Stephen R. Smith
 Colleen Gillis Snow
 Tower C. Snow
 Whitty (nmi) Somvichian
 Wayne O. Stacy
 Neal J. Stephens
 Donald K. Stern
 Anthony M. Steigler
 Steven M. Strauss
 Myron G. Sugarman
 Christopher J. Sundermeier
 Ronald R. Sussman
 C. Scott Talbot

Mark P. Tanoury
 Gregory C. Tenhoff
 Michael E. Tenta
 Timothy S. Teter
 John H. Toole (former)
 Michael S. Tuscan
 Miguel J. Vega
 Erich E. Veitenheimer III
 Aaron J. Velli
 Robert R. Veith (former)
 Lois K. Voelz
 Emily Woodson Wagner
 David A. Walsh
 David M. Warren
 Mark B. Weeks
 Steven K. Weinberg
 Mark R. Weinstein
 Thomas S. Welk
 Peter H. Werner
 Christopher A. Westover
 Francis R. Wheeler
 Brett D. White
 Peter J. Willsey
 Mark Windfeld-Hansen
 Nancy H. Wojtas
 Jessica R. Wolff
 Nan (nmi) Wu
 Babak (nmi) Yaghmaie
 Kevin J. Zimmer

Additions:
 Orion (nmi) Armon
 Thomas A. Blinka
 Peter F. Burns
 Sean M. Clayton
 Benjamin G. Damstedt
 Gordon H. Empey
 Danish (nmi) Hamid
 Lila W. Hope
 Stephane (nmi) Levy

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form:

Special Exception Attachment to Par. 1(c)

DATE: February 7, 2012
(enter date affidavit is notarized)

114085a

for Application No. (s): SE 2011-LE-017
(enter County-assigned application number (s))

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

Cooley LLP
Reston Town Center, One Freedom Square
11951 Freedom Drive
Reston, VA 20190

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Additions Continued:

David G. Peinsipp
Nicole K. Peppe
Michael J. McGrail
Danielle Naftulin Reed
Thomas Z. Reicher

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 7, 2012
(enter date affidavit is notarized)

114085a

for Application No. (s): SE 2011-LE-017
(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: February 7, 2012
(enter date affidavit is notarized)

114085a

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.

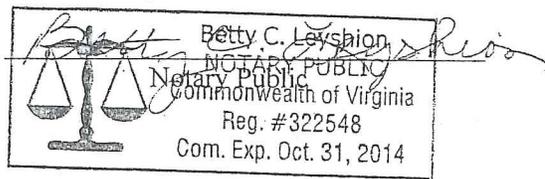
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, 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) Molly Novotny
 Applicant Applicant's Authorized Agent
Molly M. Novotny, Senior Land Use Planner
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 7th day of February 20 12, in the ~~State~~ Comm. of Virginia, County/~~City~~ of Fairfax.

My commission expires: 10/31/2014



OCT 25 2011

Zoning Evaluation Division

APPENDIX 3

Mount Vernon Crossroads
Vehicle Light Service Use Special Exception Amendment
Statement of Justification
August 31, 2011
Revised October 24, 2011

I. Introduction

Hybla Valley LP (the "Applicant") is the owner of the Mount Vernon Crossroads Shopping Center, an approximately 83,000-square-foot inline shopping center with addresses between 7800 and 7844 Richmond Highway, further identified as Tax Map 101-2 ((6)) Parcel 507B, (the "Property"). The Property measures approximately 7.4 acres and is on the west side of Richmond Highway/Route 1.

The shopping center contains a variety of retail stores, restaurants, both inline and freestanding drive thru and service-type shops, including a Pep Boys Automotive Store ("Pep Boys"). Pep Boys has expansion plans to relocate into existing space within the center that is equipped with five (5) service bays (the "Store"), which would allow it to service its customers' cars on site, rather than just sell the goods. The Store was most recently operated under SE-99-L-045, which allowed vehicle sales. The Applicant is seeking to amend that special exception to allow the Store to be used for vehicle light service use.

The Property is split zoned, C-6 and C-8 with the Store being wholly located in the C-6 zone. Vehicle light service uses are permitted by special exception in the C-6 district, per Zoning Ordinance Section 4-604(4)(T). Located within the Richmond Highway Corridor area, the Property is identified as the Hybla Valley/Gum Springs Central Business District in the Fairfax County Comprehensive Plan. It is specifically referenced as Sub-Unit D-2 and is planned for retail uses up to a 0.5 FAR. Additionally, the Property is included in the Richmond Highway Commercial Revitalization District and the Highway Corridor Overlay District.

II. Proposed Development

The existing shopping center provides residents and commuters along the Richmond Highway corridor a myriad of convenience retail uses. The proposed use would further enhance those offerings by re-introducing a vehicle light service establishment to the Property.

When the Property was originally built in 1968, the Store was initially occupied by Nationwide Safti Brake Center, a company that performed brake work and other vehicle light service uses. Five bays, which all exist today and will be reused as part of this special exception, were included on the north side of the shopping center. Since the center's opening, the Store has been used by a variety of vehicle sales and service

entities, including Speedy Muffler King, until five months ago. Pep Boys' plan to reactivate the service bays will return this service element to the shopping center.

The Store is approximately 13,000 square feet and will primarily be used for retail uses, which are by right in the C-6 zoning district. The portion of the Store that will be subject to this special exception is shown on Exhibit A; it encompasses the five service bays and measures approximately 1,850 square feet. For the purposes of this application, the Applicant heeded the advice of the County in its June 16, 2011, letter to Allison Mathern with Pep Boys, and has drawn the special exception boundary to encompass the service bays and the related parking spaces; the retail component of the Store remains as part of the inline, by-right shopping center.

Although the Store was only recently vacated by an automotive use, that use was more geared toward vehicle sales, rental and ancillary service. Therefore, the Applicant is requesting to amend that special exception to allow vehicle light service use in its place.

III. Conformance with the Comprehensive Plan

The Mount Vernon Crossroads Shopping Center is planned for retail uses up to a 0.5 FAR. The proposed special exception does not suggest redeveloping the center, but rather allows re-establishing an automotive service use on the Property within an existing building. The re-use of the Store remains consistent with the Comprehensive Plan, as the Property remains developed at a 0.21 FAR, well within the upper limits of the 0.5 FAR per the Comprehensive Plan.

The re-establishment of the vehicle light service use on the Property supports the Comprehensive Plan's goals for the Richmond Highway corridor as it focuses the more traditional retail/service uses outside of the core CBC, leaving that area north of the Property for high-quality residential, office, hotel and/or retail redevelopment. It also allows an empty storefront, that because of the service bays has a very limited tenant base, to be occupied, thereby maintaining activity on the northern side of the center.

IV. Conformance with Section 9-011(7) of the Zoning Ordinance

- A. Type of operation. Vehicle Light Service Establishment
- B. Hours of operation. 8 a.m. until 9 p.m., 7 days per week.
- C. Estimated number of patrons. The Applicant anticipates an average of 23 daily customers for the special exception use. This estimate is a result of analyzing the customers to Pep Boys' five other service centers that each have five service bays.
- D. Estimated number of employees. The Applicant anticipates three (3) to four (4) employees will be on site per shift to work the service bays. During peak

periods, typically on the weekends, a maximum of five (5) service employees would be on site.

E. Estimate of the traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day. All of the customers will come to the Store in their vehicles from either northbound or southbound Richmond Highway. Pep Boys' historical data estimates that an average of 24 customers will have their cars serviced on any given weekday at the Store and 32 cars will be serviced on any given Saturday. According to the October 24, 2011, memo prepared by Gorove/Slave, there will be seven (7) morning peak hour trips and nine (9) evening peak hour trips. The trips associated with the special exception use will replace the trips associated with the pre-existing use, therefore no additional trips to the Property are anticipated.

F. Vicinity or general area to be served by the use. The Mount Vernon Crossroads Shopping Center, located equal distant from the Capital Beltway and Fort Belvoir on Route 1, serves the entire Route 1 corridor. The proposed vehicle light service use will augment Pep Boys' existing retail offerings by affording its current customers additional services.

G. Description of building façade and architecture of the proposed new building. The existing shopping center will not be altered as the special exception only impacts the use of a small portion of interior space.

H. A listing, if known, of all hazardous or toxic substances as set forth in applicable County, State and Federal Regulations. As a vehicle light service establishment, Pep Boys will have a number of motor oils, antifreeze, fluids and cleaners/degreasers at the Store, all of which will be stored in compliance with all applicable Federal regulations.

I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted and any applicable conditions. The proposed vehicle light service establishment will comply with all applicable standards, ordinances and regulations.

V. Conformance with Section 9-503

1. Comply with the lot size and bulk regulations of the C-6 zoning district. The proposed vehicle light service use is going into an existing building, that as a whole, complies with the lot size and bulk regulations of the C-6 zoning district. When looked at independently, the area of the SEA is smaller than those requirements, and so the Applicant is reaffirming the minimum lot width and lot area waiver requests that exist on the Property.

2. Comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14. The proposed vehicle light service use

complies with the performance standards for the C-6 zoning district. A sports illumination plan is not required for the proposed use.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans. The proposed vehicle light service use will comply with Article 17 of the Zoning Ordinance.

VI. Conclusion

The proposed vehicle light service use will further strengthen the retail and service offerings of the Property, as well as the Richmond Highway corridor, by allowing an existing retailer to expand its services. The special exception use will not generate a wholesale increase in trips; rather, visitors to the retail component of the Store will take advantage of the expanded menu of services Pep Boys will now offer. Furthermore, the re-establishment of a vehicle light service use on the Property allows for the reuse of existing service bays, rather than the wholesale creation of a building equipped for such uses.

Respectfully submitted,

Molly Novotny 10/25/11

Molly Novotny

RECEIVED
Department of Planning & Zoning
JAN 18 2012
Zoning Evaluation Division

MEMORANDUM

TO: Nick Rogers, Fairfax County Planning
CC: Marc Solomon, Finmarc Management
Allison Mathern, Pep Boys Auto
Jeff Stuchel, Walter Phillips
FROM: Molly M. Novotny
DATE: January 17, 2012
RE: Additional information for SE 2011-LE-017

Thank you again for the opportunity to meet with you and Liz Hagg last week to discuss the final comments senior staffing had on the above-referenced application. We found the meeting and dialogue very beneficial. Since that meeting, we had the opportunity to review staff's comments with the applicant; this memo provides the requested information.

Plantings.

As we discussed, staff is seeking additional screening between the proposed use and the apartments in the rear. The Applicant has agreed to provide additional evergreen trees to bolster the buffer that exists today, and will work with the adjacent property owner to plant those trees. In addition, the Applicant has agreed to provide plantings in the pervious island toward the rear of the property, as well as re-establish the planting boxes near the store's entrances. These additional plantings will help soften the built environment and provide a desired buffer between uses. The additional plants have been added to Sheet 3 of the plat.

Pedestrian Connection.

Staff has requested that we stripe a pedestrian connection behind the service bays to guide walkers from the west to the cement island and ultimately the center's sidewalks. The Applicant is proposing a four-foot striping along the boundary of the SPEX area to encourage pedestrians to follow that path. The path is now shown on Sheet 3 of the plat.

Hours and Store Features and Operations.

The hours Pep Boys is requesting are the standard hours for all of its Super Center stores throughout the country: 8 a.m. until 9 p.m. Monday through Friday; 8 a.m. until 8 p.m. on Saturday and 9 a.m. until 6 p.m. on Sunday.

Furthermore, the proposed hours are the same hours of the previous auto service facility at the property and are consistent with retail hours in the center and throughout Northern Virginia.

The Applicant will agree that any Dumpster added for the use will be enclosed to comply with the Zoning Ordinance.

Pep Boys will agree to a condition that only store employees can move cars in and out of the land bays and will agree to not park cars overnight in front of the service bays. Cars that are currently being serviced may remain inside the bays overnight.

In addition, the Applicant will agree to a condition that precludes outdoor speakers, to alleviate any concern of a loud speaker paging system.

The only request that the Applicant is unable to comply with is the suggestion that the service bay doors be closed when work is being performed. The service bays are not air conditioned, as is typical for many garages and vehicle light service stations, so it would be unhealthy and dangerous for the doors to be closed, especially during the hot summer months, while work is being performed.

As this is an existing service station, the neighborhood is familiar with the uses that go on here and grew accustomed to the bay doors being opened while work was performed by past tenants. Furthermore, the additional trees the Applicant has agreed to plant will help buffer the requested use from the residents.

I believe this addresses all of the comments from staff. Please let me know if you have any additional questions. We look forward to moving this application forward to the Lee District Land Use Committee on Monday, February 13 and the Planning Commission on March 8.



County of Fairfax, Virginia

MEMORANDUM

DATE: January 23, 2012

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

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

FILE: 3-5 (SE 2011-LE-017)

SUBJECT: Transportation Impact

REFERENCE: SE 2011-LE-017 Hybla Center, LP
Traffic Zone: 1472
Land Identification Map: 101-2 ((6)) 507B pt.

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated October 21, 2011, and revised through January 13, 2012. The applicant wishes to operate a vehicle light service establishment and obtain a waiver of minimum lot size. Pep Boys Automotive Store plans to relocate into an existing space with five service bays within the Mount Vernon Crossroads Shopping Center, which would allow it to service customers' cars on site, rather than just sell the goods.

The service bays access directly onto Belford Drive which carries all the traffic into and out of the residential units behind the shopping center. Therefore, for greater safety, only Pep Boys employees should drive vehicles in and out of the service bays.

AKR/LAH/lah



County of Fairfax, Virginia

MEMORANDUM

DATE: ~ December 9, 2011

TO: Barbara Berlin, Director,
Zoning Evaluation Division
Department of Planning & Zoning

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

SUBJECT: Mt. Vernon Crossroads Shopping Center; SE 2011-LE-017

The Office of Community Revitalization and Reinvestment (OCRR) has reviewed the above referenced Special Exception Plat date stamped as "Received Department of Planning and Zoning, October 25, 2011".

OCRR is concerned with the boundaries proposed for this Special Exception (SE) use. A SE was granted for the same category of use at this site in 2000, which placed the entire establishment and associated parking under the SE. This applicant is seeking to place only the vehicle service portion of the use and associated parking under the SE. In addition, the applicant is erroneously counting the 5 service bays towards meeting the parking requirement. Since the new use occupies the same square footage as the previous use that was under an SE, the new use should conform to the previous SE boundaries, including number of parking spaces. Reaffirming the prior SE boundaries for this same category of use at this site will serve to implement better the recommendations and policies of the Comprehensive Plan.

The applicant is also seeking numerous waivers, including reaffirming the waivers associated with SE 99-L-045. In particular, the applicant is seeking to waive the transitional screening and barrier requirement to the west of the property. There is a multi-family housing development to the west of the subject property. Currently this property is screened from the Mount Vernon Crossroads Shopping Center by a six foot wooden fence for most of the bordering property line. However, there is no fence screening the residential use from the shopping center for the remaining approximately 40-50 feet of the property line up to the sidewalk. This is the same area that is directly behind the proposed SE. Constructing a six foot wooden fence along this remaining portion of the property line would provide for a better transition between the residential and commercial use. Additionally, the applicant should provide enclosures for all of the dumpsters located on the property.

The approval of SE 99-L-045 included the provision of two planter boxes on the northern and eastern faces of the building, along the concrete walk. The applicant should provide these



Office of Community Revitalization and Reinvestment
12055 Government Center Parkway, Suite 1048
Fairfax, VA 22035
703-324-9300, TTY 711
www.fcrevit.org

same planters and agree to maintain them in order to enhance the pedestrian environment and to visually soften the current large expanse of non-landscaped parking area.

Finally, the applicant is proposing to operate this establishment seven (7) days a week from 8 am to 9 pm. SE 99-L-045 limited the operation to 6 day a week, Monday through Saturday, and to closing hours of 7 pm on weekdays and 6 pm on Saturday. The proposed hours are not compatible with adjacent residential land use and should be limited to six days a week with earlier closing times consistent with the previous SE for this site.

Cc. Nick Rodger, DPZ
OCRR Files



Office of Community Revitalization and Reinvestment
12055 Government Center Parkway, Suite 1048
Fairfax, VA 22035
703-324-9300, TTY 711
www.fcrevit.org

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		