



County of Fairfax, Virginia

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

March 21, 2012

Molly M. Novotny
Cooley LLP
One Freedom Square
11951 Freedom Drive
Suite 1500
Reston, VA 20190

RE: Special Exception Application SE 2011-LE-017

Dear Ms. Novotny:

At a regular meeting of the Board of Supervisors held on March 20, 2012, the Board held a public hearing on Special Exception Application SE 2011-LE-017 in the name of Hybla Center, LP. The subject property is located at 7800-7844 Richmond Highway, on approximately 12,625 square feet of land, zoned C-6, CRD and HC in the Lee District [Tax Map 101-2 ((6)) 507B pt]. The Board's action permits a vehicle light service establishment and waivers and modifications in the Commercial Revitalization District (CRD), pursuant to Sections 4-604 and 9-622 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of 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.

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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 other similar material and a gate.
6. No loudspeakers shall be permitted.
7. No later than six months after the use has been established, a noise study shall be completed by the applicant to determine the noise levels associated with the vehicle light service establishment. The study shall be conducted in accordance with procedures approved by the Zoning Administrator, during typical hours of operation and under normal working conditions of the establishment. A copy of the study shall be provided to the Lee District Supervisor and the Department of Planning and Zoning, Zoning Evaluation Division (ZED).
 - If the study shows that the noise levels of the vehicle light service establishment exceed the maximum permissible sound pressure level as set forth in Section 108-4-4 of the Fairfax County Code, then the applicant shall implement additional attenuation and mitigation measures in order to meet the standards of Section 108, subject to the review and approval of DPZ. Such measures may include, but are not limited to, the provision of additional vegetation, shutting the service bay doors of the building, modifying the building design, muffling the noise level on air-powered tools, or making operational changes to the use.
8. To reduce the noise levels associated with any impact guns used for vehicle service, the employees of the vehicle light service establishment shall use “quiet gun” impact guns. This model of impact guns shall be the only model used during all hours of operation.
9. All air compressors used by the vehicle light service establishment shall be placed indoors within a separate, fully-enclosed space.
10. 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.
11. 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).

12. 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.
13. The movement of cars in and out of the service bays shall only be performed by the employees of the vehicle light service establishment.
14. There shall be no outdoor storage or display area of goods offered for sale.
15. No wrecked, inoperative, or abandoned vehicles shall be stored onsite.

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.

The Board also:

- Modified the minimum lot size requirement to permit a lot of 12,625 square feet instead of the required 40,000 square feet.
- Modified the minimum lot width requirement to permit a lot width of 73 feet instead of the required 200 feet.
- Waiver of the open space requirement for the Special Exception area.
- Modified the transitional screening requirement and a waiver of the barrier requirement along the eastern and western boundaries of the application site.

- Waived of the peripheral and interior parking lot landscaping requirements.
- Directed the Director of the Department of Public Works and Environmental Services to approve a deviation from the tree preservation target canopy percentage in favor of the landscaping shown on the SE plat.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova
Supervisor Jeffrey McKay, Lee District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation