County of Fairfax, Virginia

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

February 13, 2013 **CORRECTED LETTER**

Sara V. Mariska
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard
13th Floor
Arlington, VA 22201

RE: Special Exception Amendment Application SEA 90-L-045-03
(Concurrent with Proffered Condition Amendment Application PCA 90-L-050-03)

Dear Ms. Mariska:

At a regular meeting of the Board of Supervisors held on September 25, 2012, the Board approved Special Exception Amendment Application SEA 90-L-045-03 in the name of Sunoco, Inc., (R&M). The subject property is located at 7025 and 7037 Old Keene Mill Road, on approximately 1.15 acres of land zoned C-6, CRD, HC and SC in the Lee District [Tax Map 80-4 ((1)) 11 and 11A1]. The Board's action amends Special Exception Application SE 90-L-045 previously approved for service station, quick service food store, car wash and vehicle light service establishment to permit service station, quick service food store, waiver of certain sign regulations, modifications in the commercial revitalization district and associated modifications to development conditions pursuant to Sections 7-607, 9-620, and 9-622 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals are marked with an asterisk (*):

1. This Special Exception is granted for, and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat (GDP/SE Plat) approved with this 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 GDP/SE Plat entitled "Sunoco, Store #0207-7261" prepared by Bergmann Associates., consisting of 14 sheets, dated March 14, 2012, with revisions through August 9, 2012. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

Office of the Clerk to the Board of Supervisors
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Fairfax, Virginia 22035
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4. A copy of these special exception conditions shall be posted in a conspicuous place, and made available to all departments of the County of Fairfax during hours of operation.

5. Architectural elements for the proposed quick service food store structure shall consist of white split faced concrete masonry unit, stone veneer kneewall, a red curved metal roof, and a fully adhered roofing membrane system. Architecture for the shed, and canopy shall be in substantial conformance with that shown on the GDP/SE Plat.

6. No more than one freestanding identification sign, a maximum of 88 square feet and eight feet in height, shall be permitted on the site which shall be a monument-style sign as depicted in Exhibit A (attached) (all uses may be represented on such sign). All building-mounted signs shall meet the requirements of Article 12, as well as the sight line requirements of the Zoning Ordinance, VDOT, and the PFM.

7. Temporary promotional banners (other than those allowed by the Zoning Ordinance), balloons, flags, or rooftop displays shall not be permitted on site.

8. There shall be no outside storage or display of goods offered for sale, except for the storage of propane tanks, in a maximum of two propane tank cages (approximately 44 inches x 29 inches, and 69 inches in height), which may be located on the east and/or west side of the quick service food store.

9. To ensure protection of groundwater quality, all existing and future underground storage tanks on the site shall be maintained or installed in accordance with current federal, state, and local regulations as may be determined by the State Water Quality Control Board, DPWES, and the Fire and Rescue Department.

10. Prior to Site Plan approval, Best Management Practices (BMP) calculations shall be submitted to DPWES, demonstrating more than the minimum required phosphorous removal percentage shall be provided on the site.

11. The trash dumpster shall be fully screened from view with a brick enclosure similar in design to the quick-service food store structure. The subject site shall be patrolled by employees to pick up any trash on-site and to ensure that the doors to the dumpster enclosure are fully closed and in good working condition.

12. The rear elevation of the quick service food store shall be similar to the side elevation.

13. The service station shall not be used for the performance of major vehicle repairs. There shall be no storage of abandoned, wrecked, or inoperable vehicles on the site. There shall be no dismantling, wrecking or sale of vehicles or parts thereof on the site.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the service station or quick service food store use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- Modified the minimum rear yard requirement to permit a rear yard of 10.4 feet

- Approved a parking reduction, as permitted in a commercial revitalization district (CRD)

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova
Supervisor Jeffrey McKay, Lee District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara 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
Donald Stephens, Department of Transportation
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation