



APPLICATION ACCEPTED: April 5, 2013
PLANNING COMMISSION: October 24, 2013
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

October 10, 2013

STAFF REPORT

SPECIAL EXCEPTION SE 2013-LE-005

LEE DISTRICT

APPLICANT: Franconia Square, LLC

PRESENT ZONING: Neighborhood Retail Commercial District (C-5) and Highway Corridor Overlay District (HC)

PARCEL(S): 81-3 ((4)) 4A

ACREAGE: 32,088 square feet

FAR/DENSITY: 0.08 FAR

PLAN MAP: Retail and other Commercial Uses

PROPOSAL: Site modification and other changes to an existing service station in a Highway Corridor Overlay District

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2013-LE-005, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the Countywide Trails Plan for a major paved trail along Franconia Road in favor of the existing five foot wide concrete sidewalk.

Staff recommends approval of a modification of Sect. 13-303 of the Zoning Ordinance for the transitional screening requirement along the northern property line to that shown on the Special Exception Plat.

Staff recommends approval of a waiver of Sect. 13-203 of the Zoning Ordinance for peripheral parking lot landscaping along Franconia Road and Valley View Drive.

Mary Ann Tsai, AICP

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

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

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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

O:\mstai\SE\SE 2013-LE-005 Franconia Shell Gas\Staff Report\Staff Report\Staff Report Cover SE 2013-LE-005.docx



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).

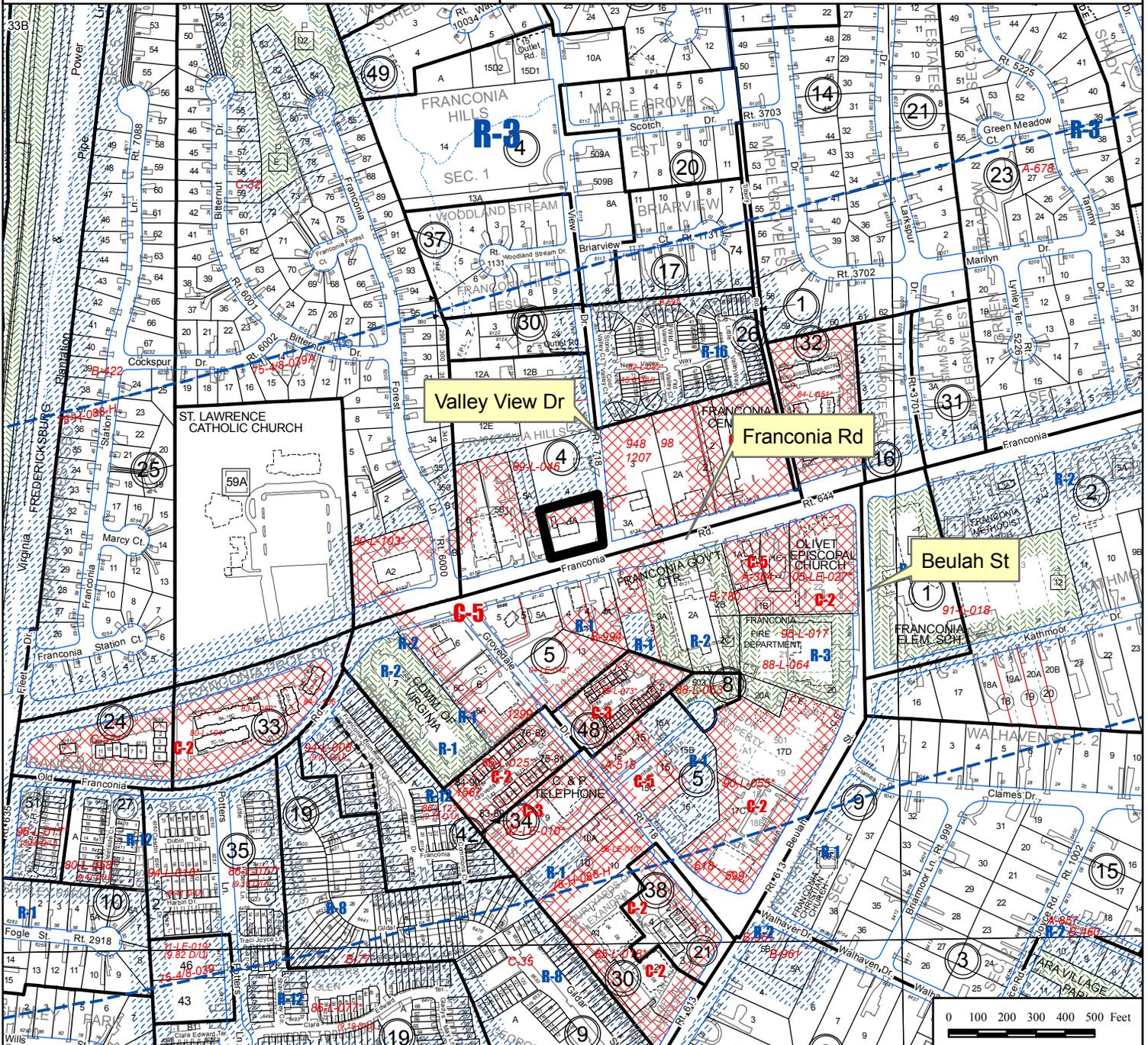
Special Exception

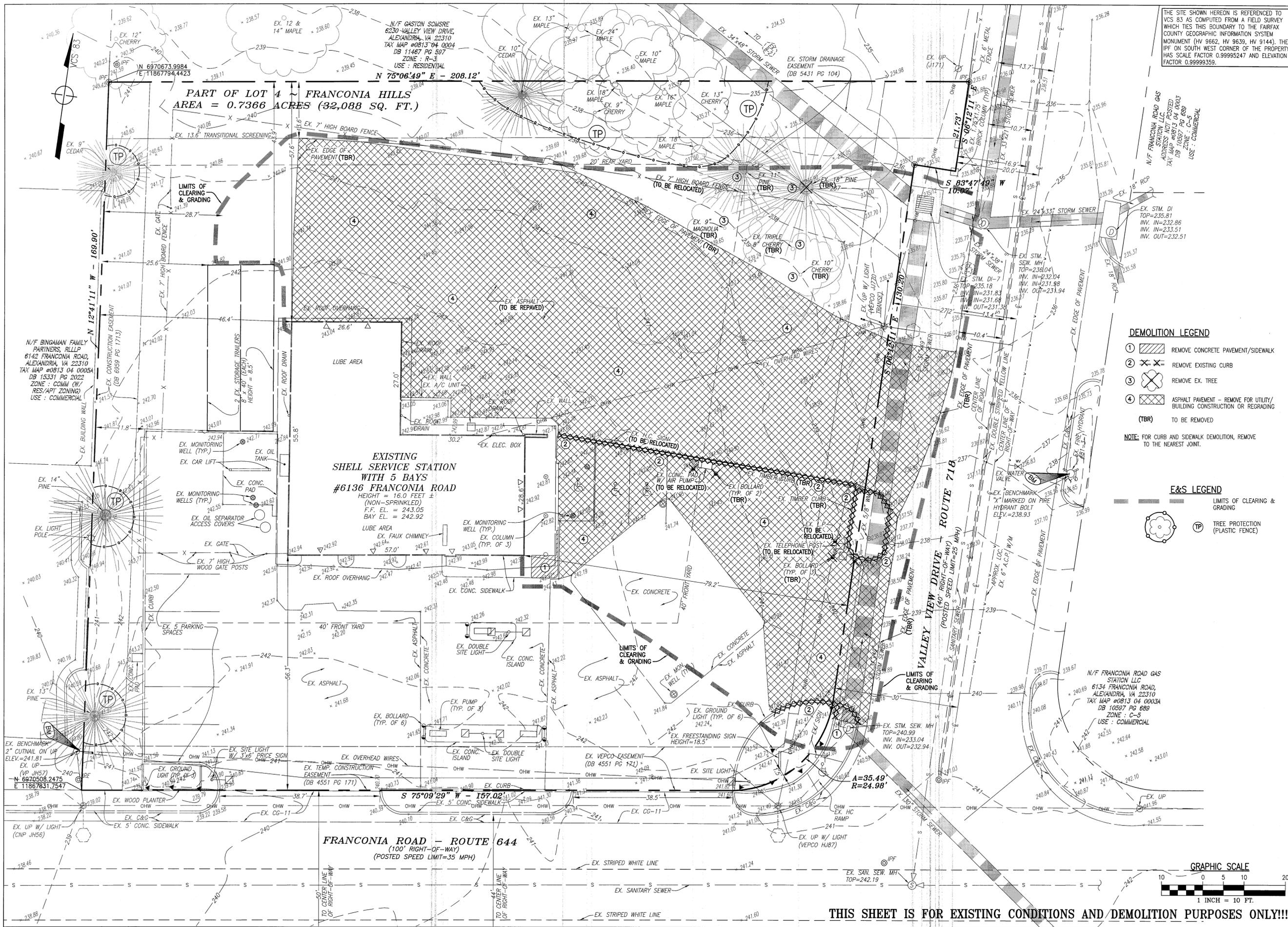
SE 2013-LE-005



Applicant: FRANCONIA SQUARE, LLC
Accepted: 04/05/2013
Proposed: SERVICE STATION
Area: 32088 SF OF LAND; DISTRICT - LEE
Zoning Dist Sect: 07-0607
Art 9 Group and Use: 6-07
Located: 6136 FRANCONIA ROAD, ALEXANDRIA, VA 22310

Zoning: C-5
Plan Area: 4,
Overlay Dist: HC
Map Ref Num: 081-3- /04/ /0004A





THE SITE SHOWN HEREON IS REFERENCED TO VCS 83 AS COMPUTED FROM A FIELD SURVEY WHICH TIES THIS BOUNDARY TO THE FAIRFAX COUNTY GEOGRAPHIC INFORMATION SYSTEM MONUMENT (HV 9662, HV 9639, HV 9144). THE IPF ON SOUTH WEST CORNER OF THE PROPERTY HAS SCALE FACTOR 0.99995247 AND ELEVATION FACTOR 0.99999359.

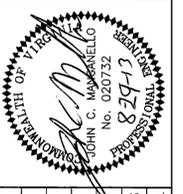
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- DEMOLITION LEGEND**
- ① REMOVE CONCRETE PAVEMENT/SIDEWALK
 - ② REMOVE EXISTING CURB
 - ③ REMOVE EX. TREE
 - ④ ASPHALT PAVEMENT - REMOVE FOR UTILITY/BUILDING CONSTRUCTION OR REGRADING
 - (TBR) TO BE REMOVED
- NOTE:** FOR CURB AND SIDEWALK DEMOLITION, REMOVE TO THE NEAREST JOINT.

- E&S LEGEND**
- LIMITS OF CLEARING & GRADING
 - ⊕ TREE PROTECTION (PLASTIC FENCE)

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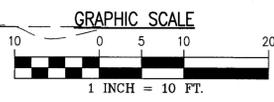
**EXISTING CONDITIONS AND DEMOLITION PLAN
 SPECIAL EXCEPTION PLAN
 FRANCONIA SHELL**
 PART OF LOT 4, FRANCONIA HILLS
 6136 FRANCONIA ROAD
 LEE DISTRICT, VIRGINIA

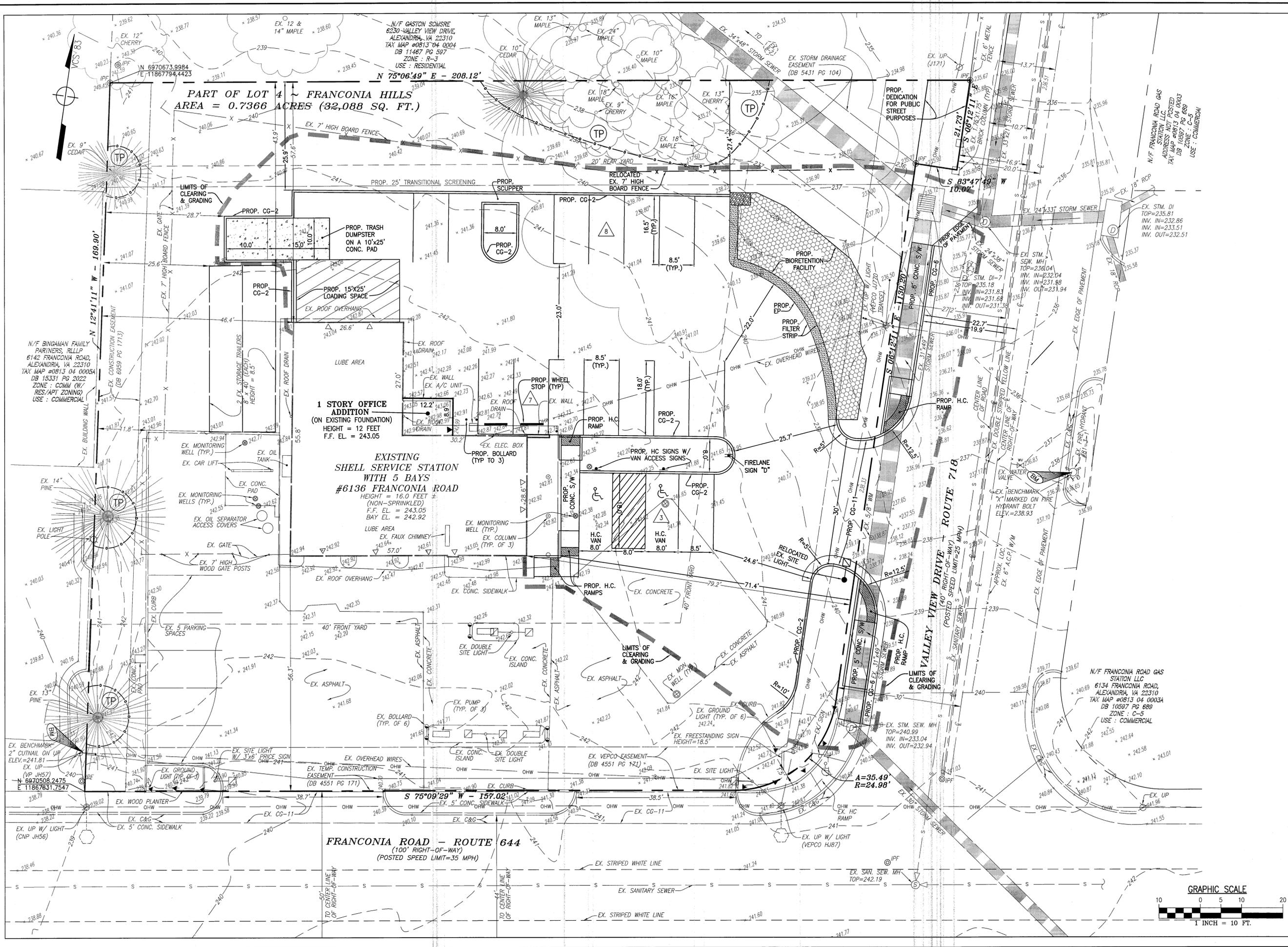


REV. NO.	DATE	REVISIONS/PRIOR TO APPROVAL
1.	02/14/13	APPLICATION ACCEPTANCE COMMENTS
2.	03/22/13	ADDITIONAL APPLICATION COMMENTS
3.	07/09/13	URBAN FORESTRY COMMENTS
4.	08/29/13	FINAL FORESTRY COMMENTS

LDCl PROJ. NO.: 11046.04
 COUNTY PLAN NO.:
 SCALE: 1" = 10'
 DATE: 01/03/2008
 SHEET: 2 OF 7

THIS SHEET IS FOR EXISTING CONDITIONS AND DEMOLITION PURPOSES ONLY!!!





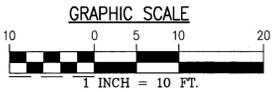
PART OF LOT 4 - FRANCONIA HILLS
 AREA = 0.7366 ACRES (32,088 SQ. FT.)

1 STORY OFFICE ADDITION
 (ON EXISTING FOUNDATION)
 HEIGHT = 12 FEET
 F.F. EL. = 243.05

EXISTING SHELL SERVICE STATION
 WITH 5 BAYS
 #6136 FRANCONIA ROAD
 HEIGHT = 16.0 FEET ±
 (NON-SPRINKLED)
 F.F. EL. = 243.05
 BAY EL. = 242.92

FRANCONIA ROAD - ROUTE 644
 (100' RIGHT-OF-WAY)
 (POSTED SPEED LIMIT=35 MPH)

VALLEY VIEW DRIVE
 (40' RIGHT-OF-WAY)
 (POSTED SPEED LIMIT=25 MPH)



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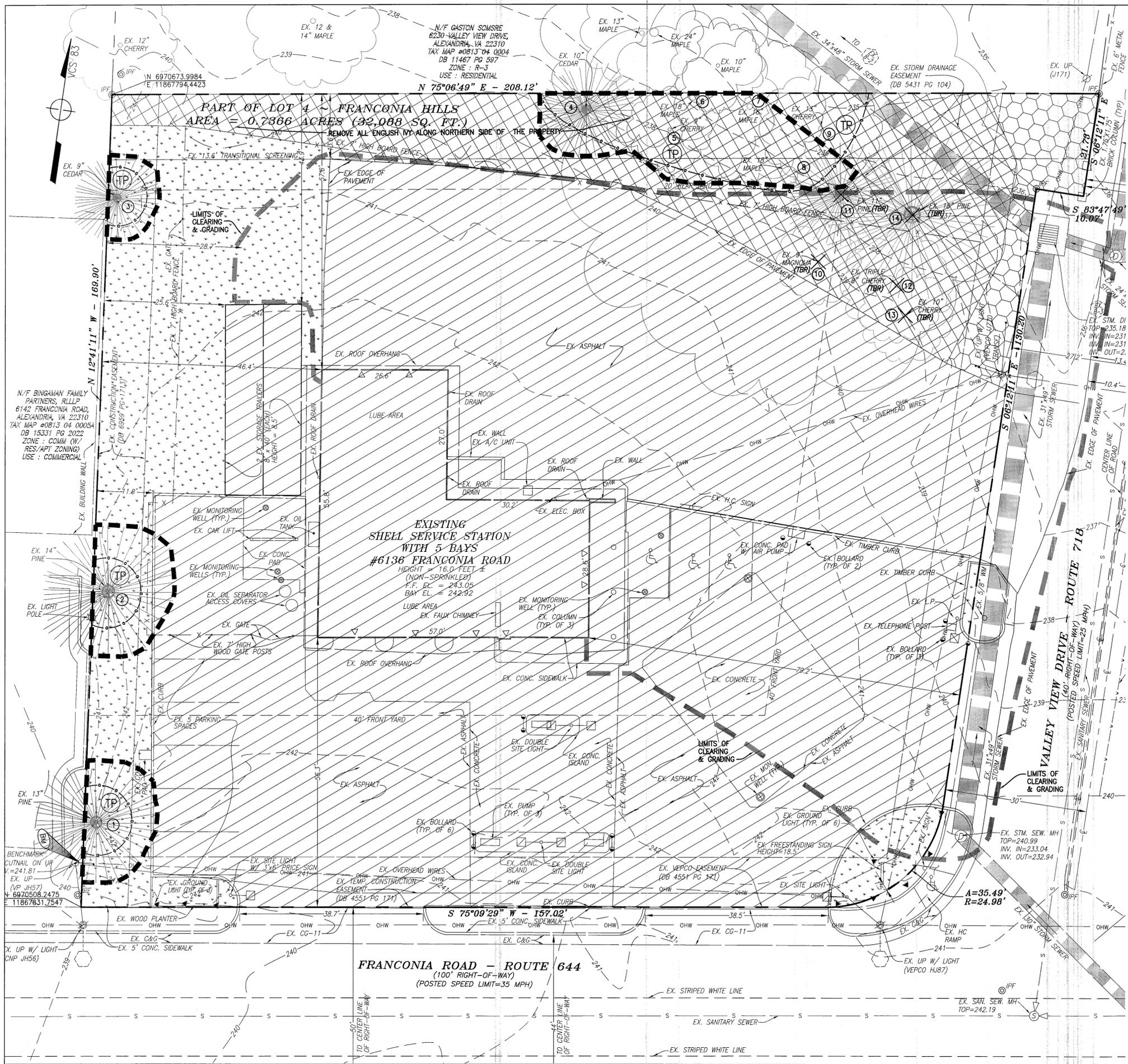
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**PROPOSED CONDITIONS PLAN
 SPECIAL EXCEPTION PLAT
 FRANCONIA SHELL**
 PART OF LOT 4, FRANCONIA HILLS
 6136 FRANCONIA ROAD
 LEE DISTRICT, FAIRFAX COUNTY, VIRGINIA



NO.	DATE	REVISIONS	PROJ. TO APPROVAL
1.	02/14/13	APPLICATION COMMENTS	
2.	03/22/13	ADDITIONAL APPLICATION COMMENTS	
3.	07/08/13	APPLICATION COMMENTS	
4.	08/29/13	URBAN FORESTRY COMMENTS	

LDCl PROJ. NO.: 11046.04
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 SHEET: 3 OF 7



Tree Inventory Schedule

Tree #	Species	Size *DBH (in.)	*CRZ R (ft)	Condition	Crown Density %	Crown Spread	Problems	Status
1	PINE	13"	13	GOOD	100	26'	NONE	PRESERVE
2	PINE	14"	14	GOOD	100	28'	NONE	PRESERVE
3	CEDAR	9"	9	GOOD	100	18'	NONE	PRESERVE
4	CEDAR	10"	10	GOOD	100	20'	NONE	PRESERVE
5	CHERRY	9"	9	GOOD	100	18'	NONE	PRESERVE
6	MAPLE	18"	18	GOOD	100	36'	NONE	PRESERVE
7	MAPLE	16"	16	GOOD	100	32'	NONE	PRESERVE
8	MAPLE	18"	18	GOOD	100	96'	NONE	PRESERVE
9	CHERRY	13"	13	GOOD	100	26'	NONE	PRESERVE
10	MAGNOLIA	9"	9	GOOD	100	18'	NONE	REMOVE
11	PINE	11"	11	GOOD	100	22'	NONE	REMOVE
12	TRIPLE CHERRY	8"	8	GOOD	100	16'	NONE	REMOVE
13	CHERRY	10"	10	GOOD	100	20'	NONE	REMOVE
14	PINE	18"	18	GOOD	100	36'	NONE	REMOVE

DBH = Diameter at Breast Height (measured 4.5 feet above ground)
 CRZ = Critical Root Zone (measured as a radius in feet per Fairfax County standards)
 Condition ratings are provided as percentages based on methods outlined in the latest edition of the Guide for Plant Appraisal.

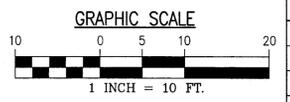
EXISTING VEGETATION COVER TYPES

- OPEN FIELD
686 SF
- UPLAND FOREST
4,430 SF
- DEVELOPED LAND
22,645 SF
- MAINTAINED GRASSLANDS
4,327 SF

TO INSURE THE HEALTH AND SURVIVAL OF BOTH EXISTING AND PROPOSED PLANTING IN THE TRANSITIONAL SCREENING YARD ALONG THE NORTHERN PROPERTY BOUNDARY, ANY DEBRIS AND DUMPED TRASH SHALL BE REMOVED BY HAND WITHOUT THE USE OF HEAVY EQUIPMENT, PRIOR TO THE PROPOSED ADDITIONAL PLANTINGS. FURTHERMORE, ALL ENGLISH MY SHALL BE REMOVED FROM THIS AREA PRIOR TO PLANTING.

LEGEND

- LIMITS OF DISTURBANCE
- SILT FENCE
- TREE PROTECTION FENCE
- PROPERTY LINE
- EXISTING CONTOUR
- TREE CANOPY
- EXISTING TREE CANOPY AREA MEETING TREE PRESERVATION REQUIREMENTS
- TO BE REMOVED
- REMOVE EXISTING TREE
- TREE INVENTORY NUMBER



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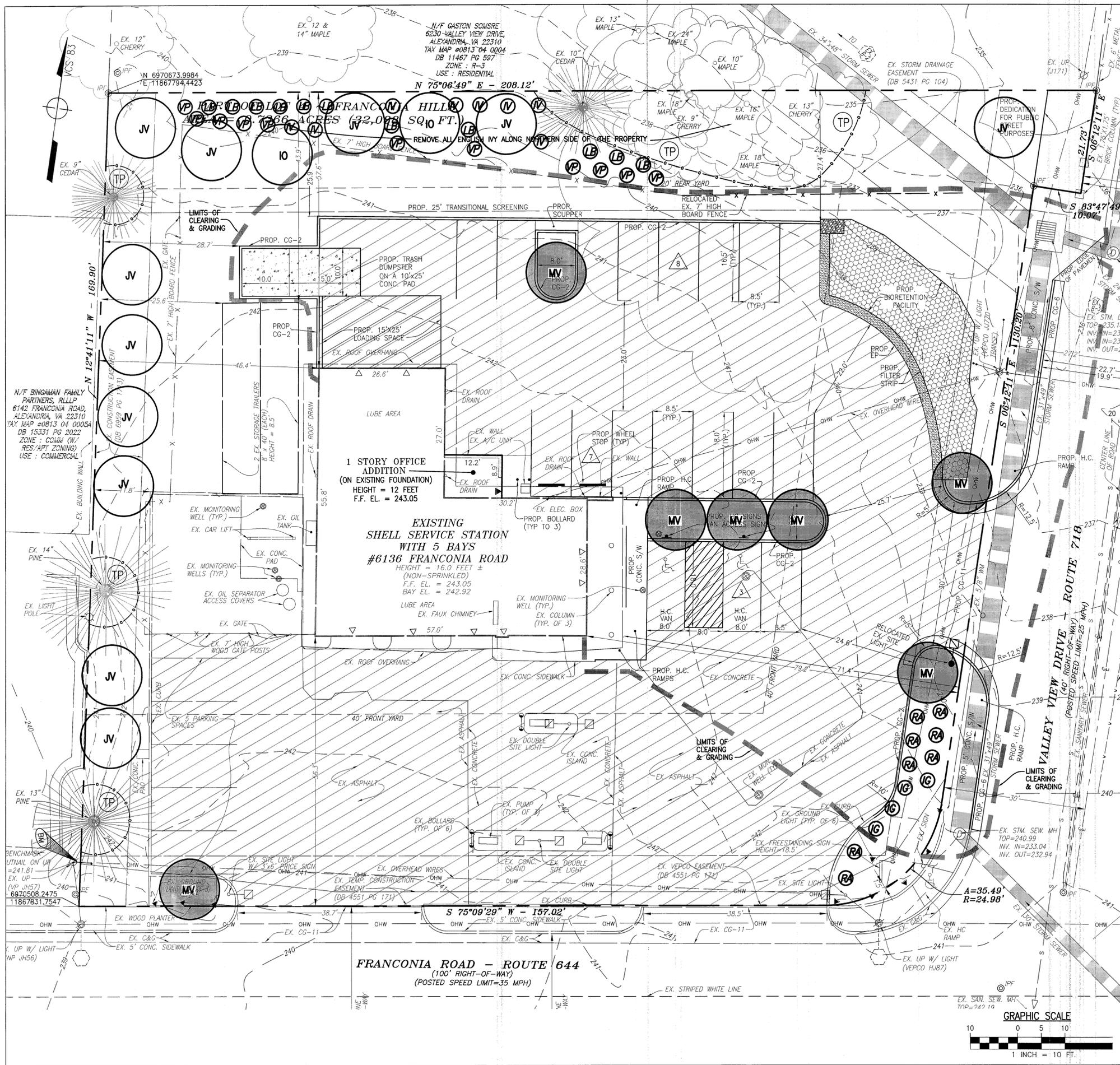
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EXISTING VEGETATION MAP
SPECIAL EXCEPTION PLAT
FRANCONIA SHELL
 PART OF LOT 4, FRANCONIA HILLS
 6136 FRANCONIA ROAD
 LEE DISTRICT, VIRGINIA



REV. NO.	DATE	REVISIONS PRIOR TO APPROVAL
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2.	03/22/13	ADDITIONAL APPLICATION COMMENTS
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 SHEET: 4 OF 7



PLANTING SCHEDULE

COUNT	SYMBOL	BOTANICAL NAME	COMMON NAME	STOCK SIZE (HT/CAL.)	STOCK TYPE	10 YR. COVER SQ. FT.	TREE COVER SUB TOTAL FT.
7	(MW)	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA	3" CAL.	B & B	125	875
2	(IO)	ILEX OPACA	AMERICAN HOLLY	6' HT.	B & B	125	250
11	(J)	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	6' HT.	B & B	125	1,375
4	(IG)	ILEX GLABRA	INKBERRY	3 GAL.	CONT.	N/A	N/A
8	(N)	ITEA VIRGINICA	VIRGINIA WILLOW	3 GAL.	CONT.	N/A	N/A
11	(LB)	LINDERA BENZOIN	SPICEBUSH	3 GAL.	CONT.	N/A	N/A
11	(VP)	VIBURNUM PRUNIFOLIUM	BLACHAW VIBURNUM	3 GAL.	CONT.	N/A	N/A
8	(RA)	RHODODENDRON ATLANTICUM	DWARF AZALEA	3 GAL.	CONT.	N/A	N/A

TOTAL TREE COVER PROVIDED BY PLANTING = 2,500 SF

TREE COVER CALCULATIONS

COVER REQUIRED FOR C-5	= 10%
GROSS SITE AREA	= 32,088 SF (0.7366 Ac.)
TOTAL 10-YR TREE COVER REQUIRED = 10% X 32,088	= 3,209 SF
EXISTING TREES RETAINED	= 3,512 SF
EXISTING 10-YR TREE COVER = 3,512 SF x 1.25	= 4,390 SF
PROPOSED TREES TO BE PLANTED	= 2,500 SF
PROPOSED 10-YR TREE COVER (NATIVE TREES) = 2,500 x 1.5*	= 3,750 SF
TOTAL 10-YR TREE COVER PROVIDED	= 8,140 SF (25.4%)

* A LETTER SHALL BE FURNISHED CERTIFYING THAT ALL PLANT MATERIAL USED TO GAIN ADDITIONAL CREDIT HAS BEEN PROPAGATED FROM SEED OR GERMOPASM COLLECTED WITHIN THE MID-ATLANTIC REGION.

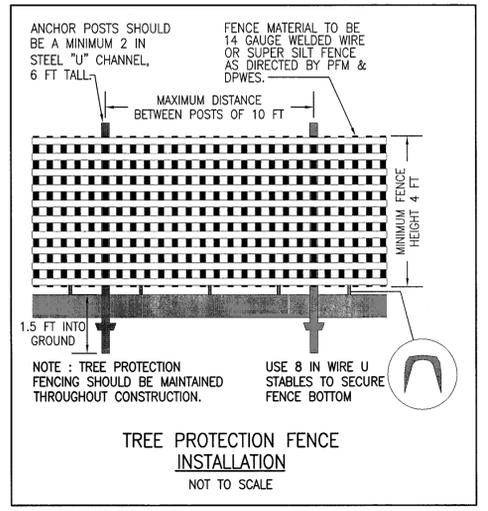
INTERIOR PARKING LOT LANDSCAPING

PARKING LOT AREA	= 16,081 SF	
LANDSCAPING REQUIRED	= 804 SF (5%)	
LANDSCAPING PROVIDED	= 875 SF (5.4%)	

TREE COVER WITHIN PROPOSED TRANSITIONAL SCREENING

PROPOSED TRANSITIONAL SCREENING AREA	4,913 SF
EXISTING TREES COVER	2,668 SF
EXISTING 10-YR TREE COVER = 2,668 SF x 1.25	3,335 SF
PROPOSED TREES TO BE PLANTED	875 SF
PROPOSED 10-YR TREE COVER (NATIVE TREES) = 875 x 1.5	1,313 SF
TOTAL 10-YR TREE COVER PROVIDED	4,648 SF
TRANSITIONAL SCREENING CANOPY COVERAGE REQUIRED (PER PFM 13-303.3C(1))	75 %
TRANSITIONAL SCREENING CANOPY COVERAGE PROVIDED	94.6 %

THE APPLICANT IS HEREBY REQUESTING A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE NORTHERN PROPERTY LINE IN FAVOR OF THAT AS SHOWN ON THIS PLAT.



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LANDSCAPE PLAN, NOTES & DETAILS
SPECIAL EXCEPTION PLAT
FRANCONIA SHELL
 PART OF LOT 4, FRANCONIA HILLS
 6136 FRANCONIA ROAD
 LEE DISTRICT, FAIRFAX COUNTY, VIRGINIA



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LDCl PROJ. NO.: 11046.04
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 SHEET: 5 OF 7

F:\PROJECTS\1046 - Franconia Shell - 8136 Franconia Road\DWG\1046FRCONSHLL-SPR-2013.dwg

ADEQUATE OUTFALL NARRATIVE

THE SUBJECT PROPERTY SITS AT A HIGH POINT ROAD INTERSECTION OF VALLEY VIEW DRIVE (RTE 718) AND FRANCONIA ROAD (RTE 644). THE SITE NATURAL DIVIDES VIRTUALLY SPLITS THE PROPERTY LINE DIAGONALLY IN HALF - THE NORTHEAST DIAGONAL AREA TO AN EXISTING STORM PIPE AND THE SOUTHWEST DIAGONAL AREA ALONG FRANCONIA ROAD THAT WILL BE PICKED UP BY AN EXISTING STORM PIPE SYSTEM AT APPROX. 500 FT FURTHER DOWNSTREAM.

THE PROPOSED REDEVELOPMENT OF THE GAS STATION WILL RESULT IN NET DECREASE OF SURFACE RUNOFF LEAVING THE SITE.

HOWEVER, TO DEMONSTRATE THE SITE REQUIREMENTS ON OUTFALL ADEQUACY AS PER PFM § 6-0203, WE HAVE EVALUATED THE RECEIVING PIPES AND CHANNEL FOR ANY EROSION VELOCITIES AT LOW FLOW EVENT (2-YRS) AND DEPTH AT 10YRS.

BASED ON THE EXISTING TOPOGRAPHY AND DELINEATED DRAINAGE AREAS, THE SITE WILL BE EVALUATED IN ACCORDANCE WITH PFM §6-0203.2A WHICH STATES:

"To a point that is at least 150 feet downstream of a point where the receiving pipe or channel is joined by another that has a drainage area that is at least 90 percent of the size of the first drainage area at the point of confluence"

THEY KEY DRAINAGE AREAS (IN ACRES) ARE AS FOLLOWS: (SEE THIS SHEET)

A1 (NORTHEAST SIDE INCL OFFSITE - FIRST D.A.#1) = 11.10
A1 CONFLUENCING = 70.65

A2 (SOUTHWEST SIDE INCL OFFSITE - FIRST D.A.#2) = 0.41
A2 CONFLUENCING = 70.65 - 0.41 = 11.10 = 81.34

AT CONFLUENCING POINT 'O', BOTH CONFLUENCING AREAS ARE MORE THAN 90% OF THE SIZE OF THEIR FIRST DRAINAGE AREAS, RESPECTIVELY.

TO CHECK ADEQUACY OF THE RECEIVING CHANNEL BEYOND CONFLUENCING POINT 'O', THREE CROSS-SECTIONS (NAMES: A-A, B-B, C-C) AT 150 FEET APART ARE BEING EVALUATED FOR ANY EROSION VELOCITIES AND OVERFLOWS. FOR FLOW CALCULATIONS, TR-20, AN ALLOWED HYDROLOGY TOOL PER PFM §6-0802, IS UTILIZED. THE ANALYSES ASSUME A CN-VALUE OF 88, CONSIDERING UNDERLYING SOILS TYPE, CURRENT LAND USE OF COMMERCIAL, LOW & HIGH-DENSITY RESIDENTIAL. IN ADDITION, TIME OF CONCENTRATION IS CALCULATED WITH THE SEGMENT "SHALLOW CONCENTRATED FLOW" AS PIPED SYSTEM WITH AVERAGE SIZE OF 36". (SEE THIS SHEET FOR TC COMPS). SUMMARIZED BELOW ARE THE FLOWS, VELOCITIES AND DEPTHS AT THESE CROSS-SECTIONS.

SUMMARY OF CROSS SECTIONAL ANALYSES

	XSEC A-A	XSEC B-B	XSEC C-C
Q2YRS (cfs)	157	163	176
Q10YRS (cfs)	299	311	338
V2YRS (fps)	6.25	5.24	3.58
DEPTH10YRS (ft)	3.87	3.98	3.17
WSE10YRS (ft)	206.15	202.48	198.54'

RESULTS INDICATE ALL CROSS-SECTIONS HAVE RELATIVELY LOW VELOCITIES, THE CORRESPONDING DEPTHS AT 10-YEARS LESS THAN 4 FEET AND ARE WELL WITHIN THE DEFINED BED AND BANKS OF THE RECEIVING CHANNEL. MOST IMPORTANT, THE SITE REDEVELOPMENT ITSELF WILL HAVE A NET DECREASE IN OFFSITE RUNOFF. THEREFORE, IT IS THE OPINION OF THE SUBMITTING ENGINEER THAT ADEQUATE OUTFALL IS ACHIEVED FOR THE SITE.

Worksheet 3: Time of concentration (Tc) or travel time (Tt)

Project: FRANCONIA SHELL By: OBY Date: 09-Aug-13
Location: Lee District, Xsec A-A Checked: OBY Date: _____
Condition: Existing / Predeveloped REVISED: _____

Sheet Flow (Applicable to Tc only)

Segment ID	A-B		
1. Surface description (table 3-1)	SH. GRASS		
2. Manning's roughness coefficient, n (table 3-1)	0.15		
3. Flow length, L (total L <= 300 feet)	150	feet	
4. Two-year, 24-hour rainfall, P2	3.2	inches	
5. Land slope, s	0.02	feet/foot	
6. Travel time, $T_t = 0.007(nL)^{0.8} / (P_2^{0.5} s^{0.4})$	0.23	hours	0.23

Shallow concentrated flow

Segment ID	B-C		
7. Surface description (paved or unpaved)	Piped Ave size: 36"		
8. Flow length, L	1925	feet	
9a. Watercourse slope (paved), s_p	0.02	feet/foot	
9b. Watercourse slope (unpaved), s_u		feet/foot	
10. Average velocity, V (figure 3-1)	2.87	feet/sec	
11. Travel time, $T_t = L / (3600 * V)$	0.19	hours	0.19

Channel flow

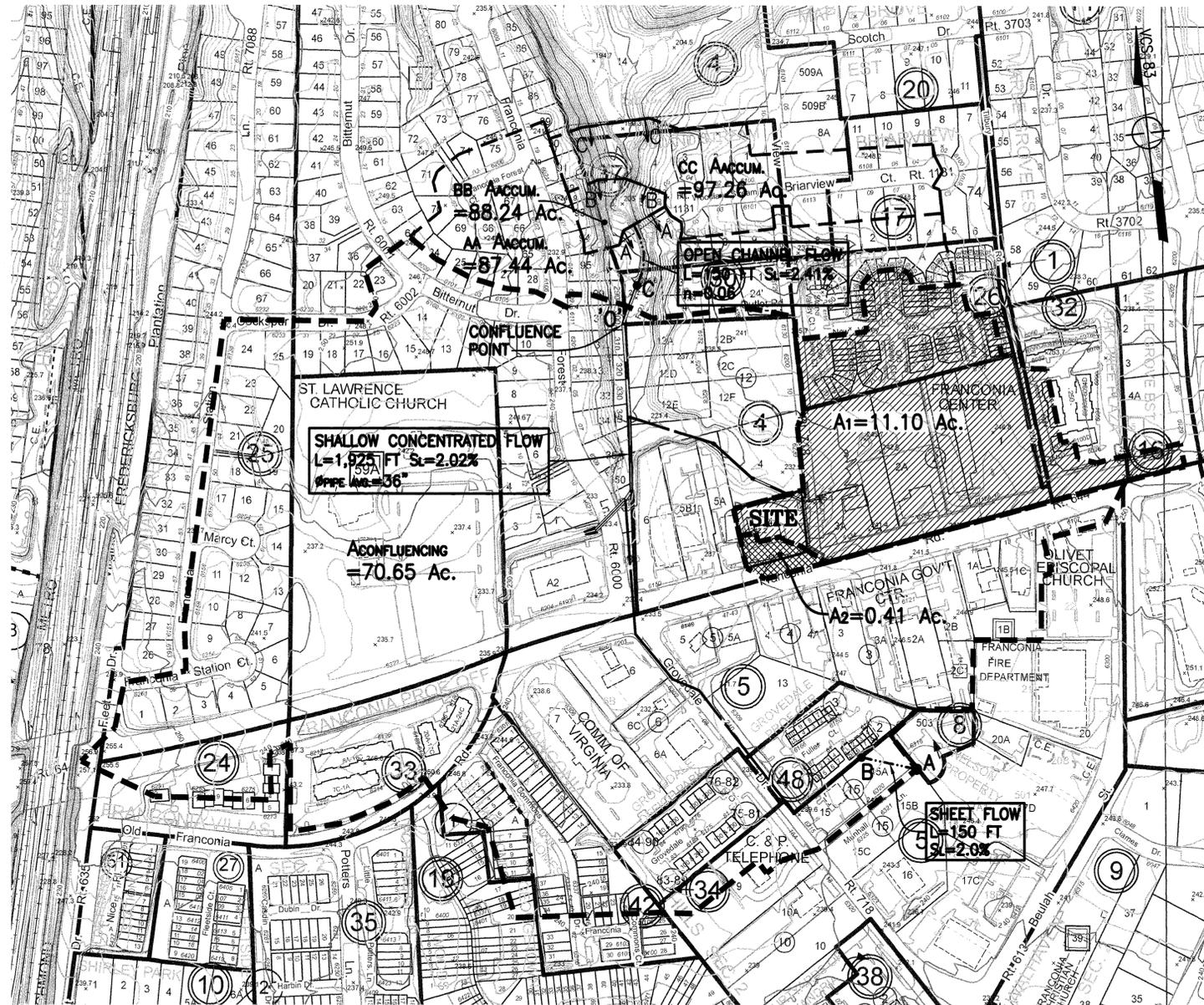
Segment ID	C to Xsec A-A		
12. Cross-sectional flow area, a	20	sq. feet	
13. Wetted perimeter, pw	15	feet	
14. Hydraulic radius, $r = a / pw$	1.333333333	feet	
15. Channel slope, s	0.0241	feet/foot	
16. Manning's roughness coefficient, n	0.06		
17. Velocity, $V = 1.49 * r^{(2/3)} * s^{(1/2)} / n$	4.67	feet/sec	
18. Flow length, L	150	feet	
19. Travel time, $T_t = L / (3600 * V)$	0.01	hours	0.01
20. Watershed or subarea Tc or Tt (add Tt in steps 6, 11 an 19)		hours	0.42

Channel flow

Segment ID	C to Xsec B-B		
12. Cross-sectional flow area, a	20	sq. feet	
13. Wetted perimeter, pw	15	feet	
14. Hydraulic radius, $r = a / pw$	1.333333333	feet	
15. Channel slope, s	0.0241	feet/foot	
16. Manning's roughness coefficient, n	0.06		
17. Velocity, $V = 1.49 * r^{(2/3)} * s^{(1/2)} / n$	4.67	feet/sec	
18. Flow length, L	300	feet	
19. Travel time, $T_t = L / (3600 * V)$	0.02	hours	0.02
20. Watershed or subarea Tc or Tt (add Tt in steps 6, 11 an 19)		hours	0.43

Channel flow

Segment ID	C to Xsec C-C		
12. Cross-sectional flow area, a	20	sq. feet	
13. Wetted perimeter, pw	15	feet	
14. Hydraulic radius, $r = a / pw$	1.333333333	feet	
15. Channel slope, s	0.0241	feet/foot	
16. Manning's roughness coefficient, n	0.06		
17. Velocity, $V = 1.49 * r^{(2/3)} * s^{(1/2)} / n$	4.67	feet/sec	
18. Flow length, L	450	feet	
19. Travel time, $T_t = L / (3600 * V)$	0.03	hours	0.03
20. Watershed or subarea Tc or Tt (add Tt in steps 6, 11 an 19)		hours	0.44



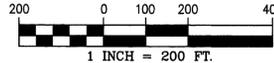
LEGEND

- CONTRIBUTING DEVELOPMENT A1=11.10 ACRES
- CONTRIBUTING DEVELOPMENT A2=0.41 ACRES

DRAINAGE MAP

SCALE: 1" = 200'

GRAPHIC SCALE

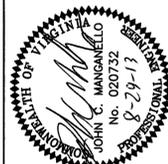


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**ADEQUATE OUTFALL ANALYSIS
SPECIAL EXCEPTION PLAT
FRANCONIA SHELL**
PART OF LOT 4, FRANCONIA HILLS
61,36 FRANCONIA ROAD
LEE DISTRICT, FAIRFAX COUNTY, VIRGINIA



NO.	DATE	REVISIONS PRIOR TO APPROVAL
4	08/29/13	URBAN FORESTRY COMMENTS
3	07/09/13	APPLICATION COMMENTS
2	03/22/13	ADDITIONAL APPLICATION COMMENTS
1	02/14/13	APPLICATION ACCEPTANCE COMMENTS

LDCl PROJ. NO.: 11046.04
COUNTY PLAN NO.:
SCALE: AS SHOWN
DATE: 01/03/2008
SHEET: 6 OF 7

F:\PROJECTS\1046 - Franconia Shell - Franconia Road\DWG\13\13092008.dwg - 3/1/2014

Worksheet for Irregular Channel

Project Description
 Project File c:\docume~1\wale\desktop\11046.fm2
 Worksheet Franconia Shell XSec A-A 2yrs
 Flow Element Irregular Channel
 Method Manning's Formula
 Solve For Water Elevation

Input Data
 Channel Slope 0.024100 ft/ft
 Elevation range: 202.28 ft to 226.00 ft.

Station (ft)	Elevation (ft)	Start Station	End Station	Roughness
0.00	226.00	0.00	61.00	0.030
52.00	210.00	61.00	70.00	0.060
65.00	208.00	70.00	153.00	0.030
57.00	206.00			
61.00	204.00			
63.00	202.28			
65.00	202.28			
70.00	204.00			
75.00	206.00			
107.00	208.00			
128.00	210.00			
153.00	220.00			

Discharge 157.00 cfs Q_{2yrs}

Results

Wtd. Mannings Coefficient	0.049
Water Surface Elevation	205.31 ft
Flow Area	25.13 ft ²
Wetted Perimeter	15.39 ft
Top Width	14.90 ft
Height	3.03 ft
Critical Depth	205.10 ft
Critical Slope	0.035786 ft/ft
Velocity	6.25 ft/s V_{2yrs}
Velocity Head	0.61 ft
Specific Energy	205.92 ft
Froude Number	0.85

Flow is subcritical.

Worksheet for Irregular Channel

Project Description
 Project File c:\docume~1\wale\desktop\11046.fm2
 Worksheet Franconia Shell XSec A-A 10yrs
 Flow Element Irregular Channel
 Method Manning's Formula
 Solve For Water Elevation

Input Data
 Channel Slope 0.024100 ft/ft
 Elevation range: 202.28 ft to 226.00 ft.

Station (ft)	Elevation (ft)	Start Station	End Station	Roughness
0.00	226.00	0.00	61.00	0.030
52.00	210.00	61.00	70.00	0.060
65.00	208.00	70.00	153.00	0.030
57.00	206.00			
61.00	204.00			
63.00	202.28			
65.00	202.28			
70.00	204.00			
75.00	206.00			
107.00	208.00			
128.00	210.00			
153.00	220.00			

Discharge 299.00 cfs

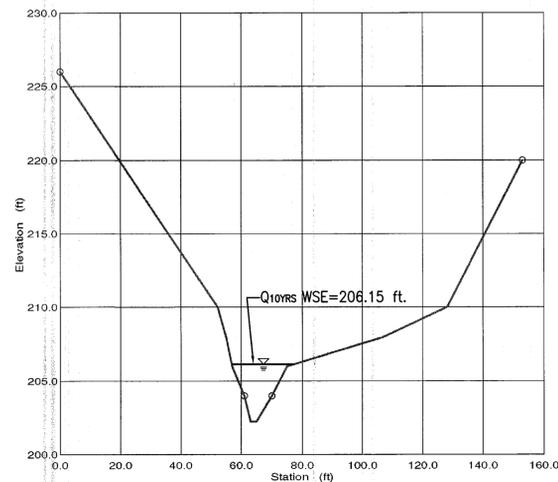
Results

Wtd. Mannings Coefficient	0.044
Water Surface Elevation	206.15 ft $10yrs$ WSE
Flow Area	39.41 ft ²
Wetted Perimeter	22.45 ft
Top Width	20.60 ft
Height	3.87 ft d_{10yrs}
Critical Depth	206.05 ft
Critical Slope	0.027191 ft/ft
Velocity	7.58 ft/s
Velocity Head	0.89 ft
Specific Energy	207.05 ft
Froude Number	0.97

Flow is subcritical.

Section Data

Wtd. Mannings Coefficient	0.044
Channel Slope	0.024100 ft/ft
Water Surface Elevation	206.15 ft
Discharge	299.00 cfs Q_{10yrs}



XSec B-B 2years V2=5.24 fps
 Worksheet for Irregular Channel

Project Description
 Project File c:\docume~1\wale\desktop\11046.fm2
 Worksheet XSec B-B 2yrs
 Flow Element Irregular Channel
 Method Manning's Formula
 Solve For Water Elevation

Input Data
 Channel Slope 0.014500 ft/ft
 Elevation range: 198.50 ft to 220.00 ft.

Station (ft)	Elevation (ft)	Start Station	End Station	Roughness
0.00	220.00	0.00	69.00	0.030
32.00	210.00	69.00	84.00	0.050
53.00	204.00	84.00	153.00	0.030
69.00	202.00			
76.00	200.00			
78.00	198.50			
81.00	198.50			
84.00	200.00			
115.00	210.00			
153.00	220.00			

Discharge 163.00 cfs Q_{2yrs}

Results

Wtd. Mannings Coefficient	0.045
Water Surface Elevation	201.68 ft
Flow Area	31.09 ft ²
Wetted Perimeter	20.47 ft
Top Width	19.12 ft
Height	3.18 ft
Critical Depth	201.28 ft
Critical Slope	0.029495 ft/ft
Velocity	5.24 ft/s V_{2yrs}
Velocity Head	0.43 ft
Specific Energy	202.11 ft
Froude Number	0.72

Flow is subcritical.

Worksheet for Irregular Channel

Project Description
 Project File c:\docume~1\wale\desktop\11046.fm2
 Worksheet XSec B-B 10yrs
 Flow Element Irregular Channel
 Method Manning's Formula
 Solve For Water Elevation

Input Data
 Channel Slope 0.014500 ft/ft
 Elevation range: 198.50 ft to 220.00 ft.

Station (ft)	Elevation (ft)	Start Station	End Station	Roughness
0.00	220.00	0.00	69.00	0.030
32.00	210.00	69.00	84.00	0.050
53.00	204.00	84.00	153.00	0.030
69.00	202.00			
76.00	200.00			
78.00	198.50			
81.00	198.50			
84.00	200.00			
115.00	210.00			
153.00	220.00			

Discharge 311.00 cfs

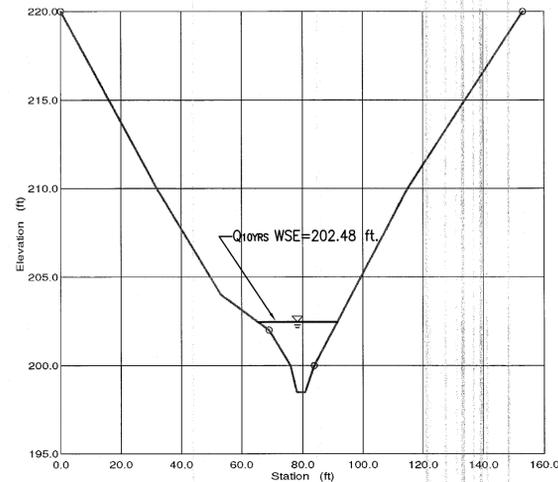
Results

Wtd. Mannings Coefficient	0.041
Water Surface Elevation	202.48 ft $10yrs$ WSE
Flow Area	48.89 ft ²
Wetted Perimeter	28.08 ft
Top Width	26.52 ft
Height	3.88 ft d_{10yrs}
Critical Depth	202.16 ft
Critical Slope	0.024112 ft/ft
Velocity	8.36 ft/s
Velocity Head	0.63 ft
Specific Energy	203.11 ft
Froude Number	0.83

Flow is subcritical.

Section Data

Wtd. Mannings Coefficient	0.041
Channel Slope	0.014500 ft/ft
Water Surface Elevation	202.48 ft
Discharge	311.00 cfs Q_{10yrs}



XSec C-C 2years V2yr=3.58 fps
 Worksheet for Irregular Channel

Project Description
 Project File c:\docume~1\wale\desktop\11046.fm2
 Worksheet XSec C-C 2yrs
 Flow Element Irregular Channel
 Method Manning's Formula
 Solve For Water Elevation

Input Data
 Channel Slope 0.012000 ft/ft
 Elevation range: 195.37 ft to 220.00 ft.

Station (ft)	Elevation (ft)	Start Station	End Station	Roughness
0.00	220.00	0.00	64.00	0.030
29.00	210.00	64.00	149.00	0.050
64.00	200.00	149.00	228.00	0.030
79.00	196.00			
81.00	195.37			
83.00	195.37			
86.00	196.00			
116.00	198.00			
149.00	200.00			
163.00	204.00			
178.00	206.00			
190.00	210.00			
209.00	214.00			
228.00	220.00			

Discharge 176.00 cfs Q_{2yrs}

Results

Wtd. Mannings Coefficient	0.050
Water Surface Elevation	197.88 ft
Flow Area	49.22 ft ²
Wetted Perimeter	42.76 ft
Top Width	42.28 ft
Height	2.51 ft
Critical Depth	197.43 ft
Critical Slope	0.033700 ft/ft
Velocity	3.58 ft/s V_{2yrs}
Velocity Head	0.20 ft
Specific Energy	198.08 ft
Froude Number	0.58

Flow is subcritical.

Worksheet for Irregular Channel

Project Description
 Project File c:\docume~1\wale\desktop\11046.fm2
 Worksheet XSec C-C 10yrs
 Flow Element Irregular Channel
 Method Manning's Formula
 Solve For Water Elevation

Input Data
 Channel Slope 0.012000 ft/ft
 Elevation range: 195.37 ft to 220.00 ft.

Station (ft)	Elevation (ft)	Start Station	End Station	Roughness
0.00	220.00	0.00	64.00	0.030
29.00	210.00	64.00	149.00	0.050
64.00	200.00	149.00	228.00	0.030
79.00	196.00			
81.00	195.37			
83.00	195.37			
86.00	196.00			
116.00	198.00			
149.00	200.00			
163.00	204.00			
178.00	206.00			
190.00	210.00			
209.00	214.00			
228.00	220.00			

Discharge 338.00 cfs

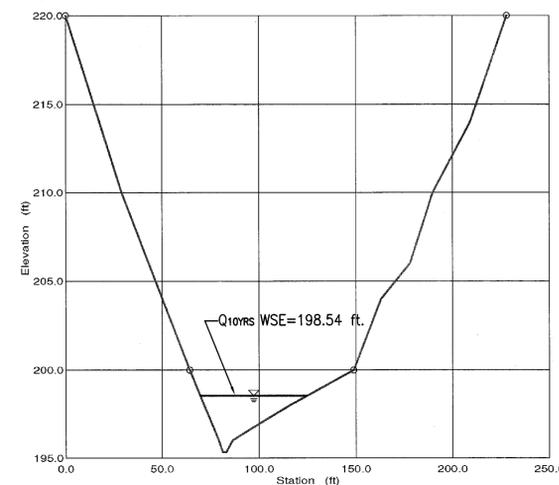
Results

Wtd. Mannings Coefficient	0.050
Water Surface Elevation	198.54 ft $10yrs$ WSE
Flow Area	81.06 ft ²
Wetted Perimeter	55.92 ft
Top Width	55.34 ft
Height	3.17 ft d_{10yrs}
Critical Depth	197.99 ft
Critical Slope	0.034621 ft/ft
Velocity	4.17 ft/s
Velocity Head	0.27 ft
Specific Energy	198.81 ft
Froude Number	0.61

Flow is subcritical.

Section Data

Wtd. Mannings Coefficient	0.050
Channel Slope	0.012000 ft/ft
Water Surface Elevation	198.54 ft
Discharge	338.00 cfs Q_{10yrs}

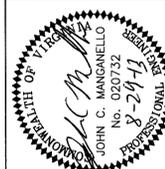


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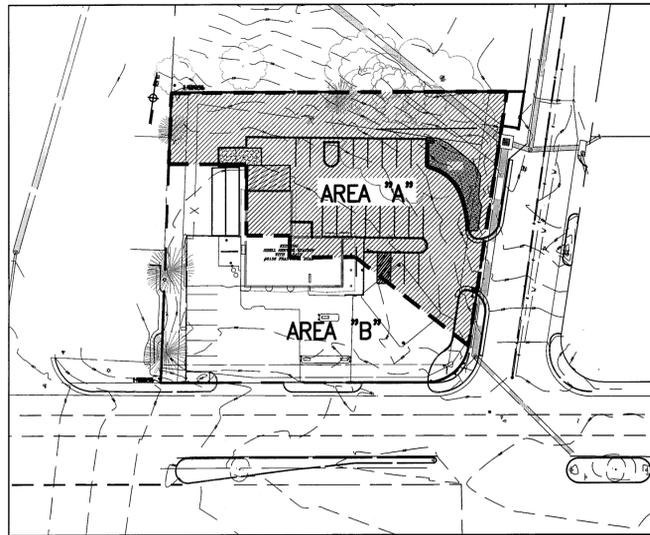
ADEQUATE OUTFALL ANALYSIS
 SPECIAL EXCEPTION PLAT
FRANCONIA SHELL
 PART OF LOT 4, FRANCONIA HILLS
 6136 FRANCONIA ROAD
 FAIRFAX COUNTY, VIRGINIA



REV. NO.	DATE	REVISIONS
1.	02/14/13	APPLICATION ACCEPTANCE COMMENTS
2.	03/22/13	ADDITIONAL APPLICATION COMMENTS
3.	07/09/13	APPLICATION COMMENTS
4.	08/29/13	URBAN FORESTRY COMMENTS

LDCl PROJ. NO.: 11046.04
 COUNTY PLAN NO.:
 SCALE: AS SHOWN
 DATE: 01/03/2008
 SHEET: 6A OF 7

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BMP MAP
SCALE: 1" = 50'

BMP COMPUTATIONS

1. EXISTING CONDITIONS			
1.1 TOTAL SITE AREA	32,079 SF	0.74 AC	
1.2 IMPERVIOUS AREA			
BUILDING	2,298 SF		
STORAGE TRAILER	640 SF		
FRONT YARD PARKING, CONC. WALK & MISC.	11,367 SF		
BACK YARD PAVEMENT	7,104 SF		
SUBTOTAL	21,409 SF	0.49 AC	
1.3 PERVIOUS AREA	10,670 SF	0.25 AC	
2. PROPOSED CONDITIONS			
1.1 TOTAL AREA	32,079 SF	0.74 AC	
1.2 IMPERVIOUS AREA			
BUILDING	2,470 SF		
STORAGE TRAILER	640 SF		
PARKING AND MISC. IMP. AREA	17,764 SF	0.41 AC	
SUBTOTAL	20,874 SF	0.48 AC	
1.3 PERVIOUS AREA	11,205 SF	0.26 AC	

3. PHOSPHORUS REMOVAL RATE COMPUTATIONS FOR RE-DEVELOPMENT PER PFM 6-0401.2B & 6-0401.2D

% P = [1 - 0.9 (pre/post)] x 100

WHERE:
Ipre = PRE-DEVELOPMENT PERCENT IMPERVIOUS AREA
Ipost = POST-DEVELOPMENT PERCENT IMPERVIOUS AREA

Ipre = 0.49/0.74 x 100 = 66.22 %
Ipost = 0.48/0.74 x 100 = 64.86 %

%P = [1 - 0.9(66.22/64.86)] x 100 = 8.11 %

PROVIDE BIORETENTION FACILITY
AREA TO BE COVERED BY BIORETENTION FACILITY = 0.175 AC

PHOSPHORUS REMOVAL RATE COMPUTATIONS

AREA 'A' COVERED BY BMP			
IMPERVIOUS AREA	0.136 AC	C =	0.90
PERVIOUS AREA	0.003 AC	C =	0.30
SUBTOTAL	0.139 AC	C =	0.89
AREA 'B' NO BMP AREA			
IMPERVIOUS AREA	0.343 AC	C =	0.90
PERVIOUS AREA	0.258 AC	C =	0.30
SUBTOTAL	0.601 AC	C =	0.64
TOTAL	0.740 AC	C =	0.69

PHOSPHORUS REMOVAL RATE COMPUTATION

SUBAREA NAME	AREA (ACRE)	C	C x A	AREA RATIO	C FACTOR RATIO	BMP %	TOTAL BMP %
A	0.150	0.89	0.134	0.20	1.29	BIORETENTION FACILITY	16.77
B	0.700	0.64	0.378	0.80	0.93	NO BMP	0.00
TOATL ON-SITE	0.740		0.512			SUBTOTAL %	16.77
Weighted Average C=		0.69					

BIORETENTION FACILITY (Unrestricted Underdrain)

BIORETENTION #1
DRAINAGE AREA TO PROPOSED BMP FACILITY = 7,850 SF = 0.180 Acres
A_{imp} IMPERVIOUS AREA = 7,850 SF = 0.180 Acres

NOTE:
Area of imperviousness was based on .53 % of total area, which equates to C-factor of 0.62

Ceff = $\frac{A_{perv} (0.3) + A_{imperv} (0.9)}{A_{TOTAL}}$ = $\frac{0.35 (0.3) + 0.39 (0.9)}{0.74}$ = 0.62

Per PFM Amendment to § 6-0402, Table 6.3 (Phosphorous Removal Efficiencies), the proposed Bioretention Facility with 65% Phosphorous Removal Efficiency shall treat 1.0 in/impervious area.

$W_{QV} = 3,630 \text{ ft}^3/\text{Ac} \times A_{imp}$
 $W_{QV} = 3,630 \text{ ft}^3/\text{Ac} \times 0.18 \text{ Ac} = 654.17 \text{ ft}^3$

Per PFM § 6-1307, 6E, Use Filter Bed design for the Bioretention Facility

$A_f = \frac{W_{QV}}{h_f}$; Assume $h_f = 1'$ (maximum ponding depth)
A_f Required = $\frac{654.17 \text{ ft}^3}{1 \text{ ft}} = 654.17 \text{ ft}^2$

Drain time, t_d , through the Filter

$t_d = \frac{(W_{QV}) d_f}{[(k_f/12) (0.5h_f + d_f) A_f]}$ Assume k_f for soil media = 1.5 in/hr (§6-1307.5C)
Assume d_f , filter depth = 2.50 ft (Min)

$t_r = \frac{(654.17 \text{ ft}^3 \times 2.5 \text{ ft})}{[(1.5 \text{ in/hr} / 12) (0.5 (1 \text{ ft}) + 2.5 \text{ ft}) (654.17 \text{ ft}^2)]} = 6.67 \text{ Hrs}$

6.67 Hrs < 24 Hrs, Therefore OK! (§6-1307.5C)

FACILITY SIZE

Length (ave)=	55 ft
Width (ave)=	12 ft
A _f Provided=	660 ft ² OK!

Proposed Pipe Outfall Capacity Check

Try pipe diameter, $\phi = 8$ inches
 $n = 0.013$
Area = 0.35 sf
At full capacity, Area = 0.80 x Diameter, Wetted Perimeter = 1.48 ft
Hydraulic Radius, $R = A/P = 0.24$ ft
Slope, $S_p = 0.0115$

(Per proposed plan, the analysis will assume flattest slope at 1.15%)
 $Q_{capacity} = 1.486 A R^{2/3} S_p^{1/2} = 1.58 \text{ cfs}$
 n
 $t = \frac{W_{QV}}{Q_{capacity}} = \frac{654.17}{1.58} = 414.43$

Time, $t = 414.43 \text{ sec, or } 0.115 \text{ Hrs} < 48 \text{ Hrs, Good!}$

Therefore, USE 8" DIAMETER PIPE Outfall

SWM COMPUTATIONS

$A_{TOTAL} = 0.74 \text{ Ac}$

EXISTING CONDITIONS

A _{imp} =	0.49	C _{imp} =	0.9
A _{perv} =	0.25	C _{perv} =	0.3
C-effective =	0.70		

$T_c = 5 \text{ min}$
 $I_2 = 5.45 \text{ in/hr}$
 $I_{10} = 7.27 \text{ in/hr}$

$Q_{2pre} = C_{eff} \times I_2 \times A_{TOTAL} = 2.81 \text{ cfs}$
 $Q_{10pre} = C_{eff} \times I_{10} \times A_{TOTAL} = 3.75 \text{ cfs}$

PROPOSED CONDITIONS

A _{imp} =	0.48	C _{imp} =	0.9
A _{perv} =	0.26	C _{perv} =	0.3
C-effective =	0.69		

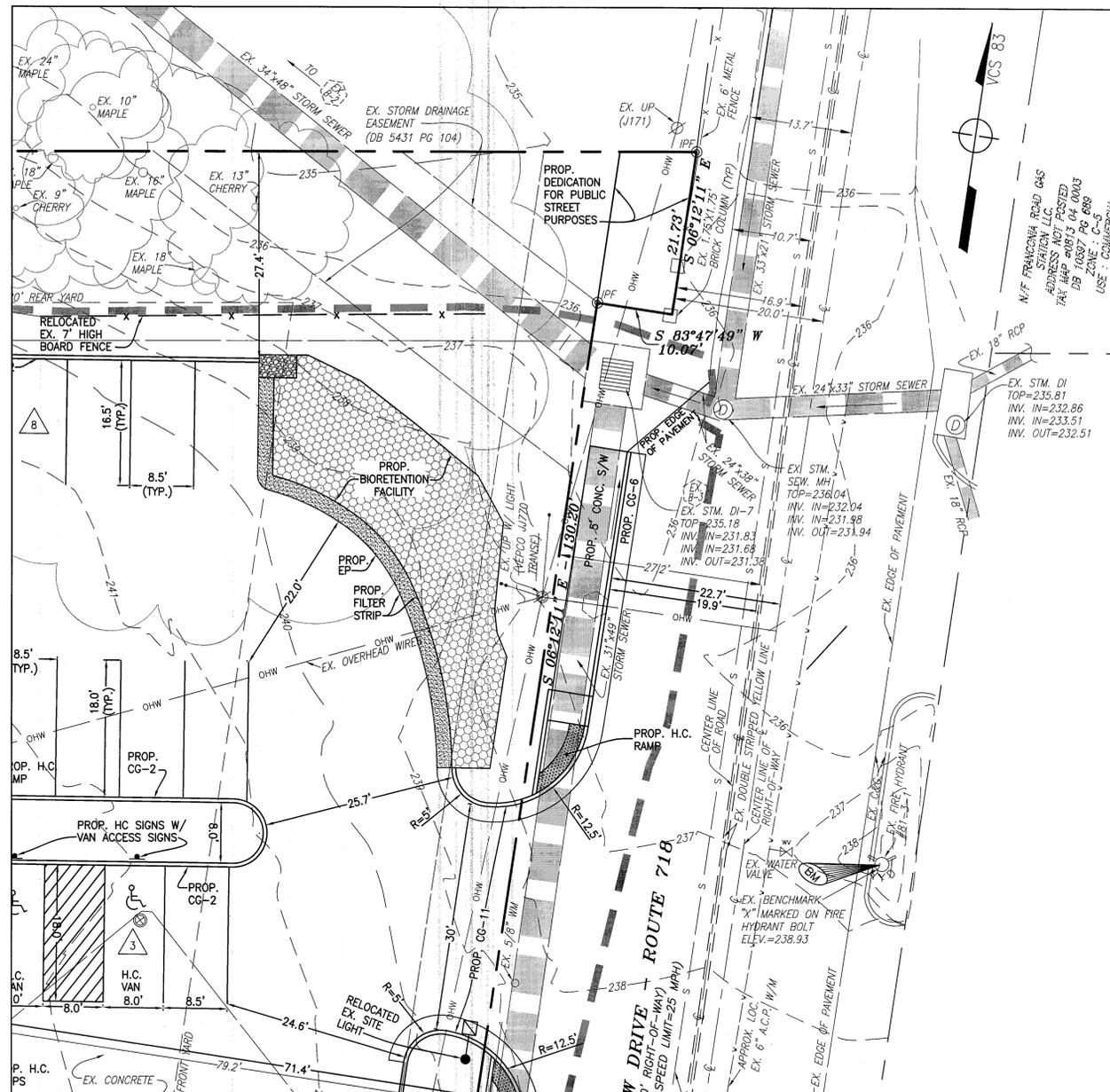
$T_c = 5 \text{ min}$
 $I_2 = 5.45 \text{ in/hr}$
 $I_{10} = 7.27 \text{ in/hr}$

$Q_{2post} = C_{eff} \times I_2 \times A_{TOTAL} = 2.78 \text{ cfs}$
 $Q_{10post} = C_{eff} \times I_{10} \times A_{TOTAL} = 3.71 \text{ cfs}$

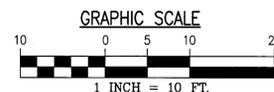
NET CHANGE IN RUNOFF

$Q_2 = Q_{2post} - Q_{2pre} = 2.78 - 2.81 = -0.03 \text{ cfs (decrease)}$
 $Q_{10} = Q_{10post} - Q_{10pre} = 3.71 - 3.75 = -0.04 \text{ cfs (decrease)}$

THE PROPOSED REDEVELOPMENT RESULTED IN NET DECREASE OF SURFACE RUNOFF. THEREFORE, STORMWATER DETENTION IS NOT REQUIRED FOR THE SITE.



BIORETENTION FACILITY LAYOUT
SCALE: 1" = 10'



BIORETENTION FACILITY BMP NARRATIVE

THE PROJECT SITE IS A 0.74 ACRE LOT GAS STATION IN CAMERON RUN WATERSHED DISTRICT. THE SITE PROPOSES ONE BIORETENTION FACILITY (1" DEPTH FIRST FLUSH - RATED 65% EFFICIENCY) IN ORDER TO MEET REDEVELOPMENT PHOSPHOROUS RATE REQUIREMENT AT 8.11%

THE PROPOSED BMP FACILITY WILL BE LOCATED AT THE NORTHEAST CORNER OF THE PROPERTY - THE SITE LOWEST POINT - TO TREAT 0.18 ACRE OF THE SITE IMPERVIOUS AREA. THE PROPOSED GRADING ENSURES SHEET FLOW SURFACE RUNOFF AT SHALLOW SLOPES INTO THE FACILITY. FURTHERMORE, A 2'-FOOT WIDE VEGETATIVE FILTER STRIP IS PROPOSED TO PROTECT IT FROM ANY DEBRIS. THE ULTIMATE DISCHARGE POINT IS AN EXISTING 34" x 48" STORM SEWER CUTTING THROUGH THE PROPERTY, ALSO LOCATED AT THE NORTHEAST CORNER AND FLOWS AT NORTHWEST DIRECTION. THE EXISTING STORM IS APPROXIMATELY 20-FT FROM THE BMP AND A PROPOSED MANHOLE CONNECTS THE FACILITY BYPASS FLOW.

THE CALCULATED DRAINAGE AREA OF IMPERVIOUSNESS TO THIS FACILITY WAS BASED ON A 0.62 C-FACTOR, MAINLY FOR PARKING AREA AND BUILDING FLOOR. DEPENDING ON GEOTECHNICAL FIELD TESTS, THE FACILITY COULD BE WITH OR WITHOUT INFILTRATION. THE DESIGN DETAILS AS SHOWN WILL HAVE AT LEAST 2.5" DEEP OF SOIL MEDIA.

THE ONE-INCH FIRST FLUSH, WHERE MOST OF THE PHOSPHOROUS POLLUTANTS ARE TRANSPORTED, WILL BE COLLECTED BY A 4" DIAMETER HDPE PERFORATED PIPES WITH CLEAN OUTS AT CERTAIN INTERVALS FOR EASY MAINTENANCE AND ENSURE ITS EFFICIENCY.

PLANTING DETAILS AND SPECIES ALLOWED FOR THE FACILITY SHALL BE BASED ON THE RECOMMENDED PLANT LIST PER COUNTY PFM.

MAINTENANCE AGREEMENT

THE BIORETENTION FACILITY SHALL BE PRIVATELY OWNED AND MAINTAINED.

LAND DEVELOPMENT CONSULTANTS, INC.
CIVIL ENGINEERING · LAND PLANNING · SURVEYING

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SWM/BMP COMPUTATIONS
SPECIAL EXCEPTION PLAT
FRANCONIA SHELL
PART OF LOT 4, FRANCONIA HILLS
6136 FRANCONIA ROAD
LEE DISTRICT, VIRGINIA



REV. NO.	REV. DATE	REVISIONS PRIOR TO APPROVAL
1.	02/14/13	APPLICATION ACCEPTANCE COMMENTS
2.	03/22/13	ADDITIONAL APPLICATION COMMENTS
3.	07/09/13	APPLICATION COMMENTS
4.	08/29/13	URBAN FORESTRY COMMENTS

LDCl PROJ. NO.: 11046.04
COUNTY PLAN NO.:
SCALE: AS SHOWN
DATE: 01/03/2008
SHEET: 7 OF 7

F:\PROJECTS\1308 - Franconia Shell\DWG\1308 Franconia Shell.dwg - 01/03/2008

**A GLOSSARY OF TERMS IS LOCATED
AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

The applicant, Franconia Square, LLC, is the subject of a Notice of Violation (NOV) issued on June 21, 2012, by the Department of Code Compliance for establishing and/or expanding a service station in violation of Special Permit S-168-74, which governs the development of the property. The NOV states the following violations: inoperable and abandoned vehicles on-site; outdoor storage of automobile parts and equipment; large plastic fluid drums; construction material and other miscellaneous items; vehicle repairs outside the designated service bay areas; construction of a six foot wood privacy fence at the left side of the building to enclose the area where vehicle repairs are performed; installation of prohibited signs; addition of two accessory storage containers; paving of the rear area of the property for parking; and the addition of two vehicle service bays attached to the rear of the building, without site plan, building permit, and Non-Residential Use Permit (Non-RUP) approvals. Figures 1A and 1B provide a bird's eye view of the expanded use of the property.



Figure 1A: View from the front of the property of the expanded uses.



Figure 1B: Bird's eye view from the rear of the property of expanded uses.

To remedy the violation, the applicant is requesting approval of a Category 6 Special Exception for a service station to legally establish the two existing rear service bays; the two outdoor storage trailers; the seven foot tall board-on-board fence located along the western property boundary; and the expanded parking lot area at the rear of the property. The applicant also requests approval to construct an office addition at the rear of the service station building. The outdoor vehicle lift has been removed by the applicant. The other items stated in the NOV would have to be removed, if not already removed. The applicant needs the Special Exception approval in order to file a site plan and obtain a Non-Residential Use Permit to remove the existing violation on the site.

It is noted that the subject property also was the subject of a similar NOV in 2002, and a Special Exception was approved by the Board of Supervisors in 2005, which would have brought the property into compliance. However, the site plan was disapproved having not received Stormwater Management, Urban Forest Management Division, Virginia Department of Transportation, and Fairfax Water approvals. Therefore without site plan approval, the use was not established and the Special Exception expired.

Waivers and Modifications

The applicant requests the following waivers and modifications:

- Modification of the Countywide Trails Plan for a major paved trail along Franconia Road in favor of the existing five foot wide concrete sidewalk.
- Modification of Sect. 13-303 of the Zoning Ordinance for the transitional screening requirement along the northern property line to that shown on the Special Exception Plat.
- Waiver of Sect. 13-203 of the Zoning Ordinance for peripheral parking lot landscaping along Franconia Road and Valley View Drive.

A copy of the Special Exception Plat is provided at the front of this report. The proposed development conditions, the applicant's statement of justification, and affidavit are provided as Appendices 1-3, respectively.

LOCATION AND CHARACTER

Figure 2 shows the surrounding zoning districts and Comprehensive Plan recommendations.

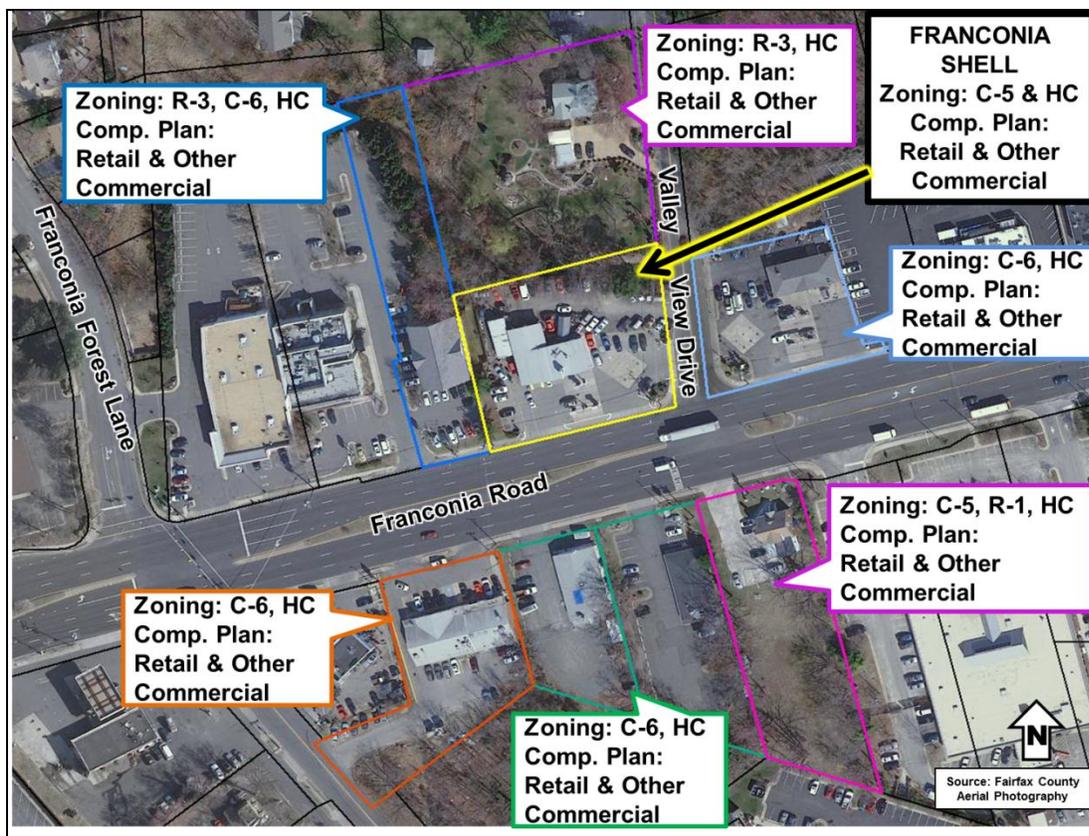


Figure 2: Surrounding zoning districts and Comprehensive Plan recommendations

The subject property is located at the northwest corner of the intersection of Valley View Drive and Franconia Road. Six multi-product fuel dispensers on two gasoline pump islands are located along the Franconia Road frontage. Access to the site is provided from two entrances off of Franconia Road and from two entrances off of Valley View Drive. Three service bays are located in the front of the service station building, along the Franconia Road frontage, and two service bays are located at the rear of the building. Two outdoor storage trailers are located to the west of the service station. The majority of parking is provided in an expanded parking area to the rear of the site.

BACKGROUND

On May 22, 1962, the Board of Zoning Appeals approved a Special Permit in the name of Shell Oil Company to permit an extension of a service station by adding a third service bay.

On April 14, 1970, the Board of Zoning Appeals approved Special Permit S-35-70 for an addition to an existing service station.

On November 13, 1974, the Board of Zoning Appeals approved Special Permit S-168-74 for site improvements to the existing 1,913 square foot three bay service station and this approval currently governs the use of the property. A copy of the approved development conditions is provided as Appendix 4.

On March 26, 1990, the Board of Supervisors approved Special Exception SE 89-L-041 to permit expansion to an existing three bay service station to include construction of a canopy over the relocated pump islands. According to the Department of Public Works and Environmental Services (DPWES) records, the site plan was disapproved and the reason for the disapproval was not documented. Without an approved site plan, the Special Exception could not be established and expired.

On January 22, 1996, the Board of Supervisors approved Special Exception SE 95-L-058 to permit the existing building to continue to be used as a three bay service station with a new canopy; addition of one multi-product fuel dispenser; demolition and reconstruction of two existing concrete islands; reconfiguration of and an increase in parking spaces; increase in open space from 37% to 48%; enclosure of an existing portico; enclosure of the trash receptacle; continued use of two existing storage trailers; closure of one entrance off of Valley View Drive; and two ramps/accessible restrooms. According to DPWES records, the site plan was initially approved, but did not receive final approval because of outstanding bonding issues. As such, without an approved site plan, the Special Exception could not be established and expired.

On April 13, 2002, a Notice of Violation was issued by the Zoning Enforcement Division for expansion of the approved use of the site pursuant to Special Permit S-168-74 with the addition of two rear service bays, three outdoor storage trailers on the west side of the property, an outdoor vehicle repair lift in front of the storage trailers, expansion of the parking lot area, and four additional freestanding signs, without site plan, building permit, or Non-RUP approvals.

On January 24, 2005, the Board of Supervisors approved Special Exception SE 2004-LE-008 to permit the two existing rear service bays, two of the three existing storage trailers on the west side of the property, and the expanded parking area in the rear of the property. Information pertaining to this application is located at <http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMMain.aspx?cde=SE&seq=4029333>

On September 25, 2006, the Board of Supervisors granted an additional time request to implement Special Exception SE 2004-LE-008.

On April 9, 2007, the Board of Supervisors denied an additional time request to implement Special Exception SE 2004-LE-008 and the site plan was disapproved having not received Stormwater Management, Urban Forest Management Division, Virginia Department of Transportation, and Fairfax Water approvals. Without an approved site plan, the Special Exception could not be implemented and expired.

On June 21, 2012, a Notice of Violation was issued by the Department of Code Compliance for establishing and/or expanding uses in violation of Special Permit S-168-74, as discussed earlier in the staff report in the Description of the Application section. A copy of the Notice of Violation is provided in Appendix 5.

On May 3, 2013, County Attorney's office filed a lawsuit in Circuit Court against the property owners and tenant for failure to comply with the Notice of Violation issued in 2012.

COMPREHENSIVE PLAN PROVISIONS

The Fairfax County Comprehensive Plan, 2011 Edition Area IV, Rose Hill Planning District, Amended through April 9, 2013, RH1-Franconia Community Planning Sector, Page 32, provides:

Franconia Road Corridor: Commercial development within the sector should be limited to infill in the area already developed as retail uses along Franconia Road between the existing church to the west and the Oaktree Office Park on the east. Because it is physically separated from adjacent residential uses by a small stream valley, Parcel 81-3((4))5A is included in the area planned for commercial use. Screening and buffering should be provided to establish appropriate transitions to residential areas and prevent commercial encroachment. Future improvements within the commercial area should provide for integration of design for the commercial uses, including interparcel access, the consolidation of access points, and improved landscaping.

Comprehensive Plan Map: Retail and other Commercial Uses

DESCRIPTION OF THE SPECIAL EXCEPTION PLAT (Located at the front of the staff report.)

The Special Exception Plat entitled "Franconia Shell" was submitted by Land Development Consultants, Inc., and consists of eight sheets dated February 14, 2013 and revised through August 29, 2013, and is reviewed below.

Site Layout

The overall site contains approximately 32,088 square feet (sf) and is developed with an existing 2,382 sf one-story service station building, 16 feet (ft) in height, containing five service bays, three with entrances in the front and two with entrances in the rear of the service station building. An approximately 15 ft x 25 ft (375 sf) loading area is proposed in front of the two rear service bays. Two 320 sf (8 ft x 40 ft) outdoor storage trailers are located along the western portion of the property and are approximately 8 ½ ft in height. An approximately 12.2 ft x 8.9 ft (108.5 sf) office addition is proposed in the rear of the service station building and a trash dumpster on a 10 ft x 25 ft concrete pad is proposed at the northwest quadrant of the site.

Six multi-product fuel dispensers on two gasoline pump islands are located in front of the service station building, along the site's Franconia Road frontage.

Transportation/Access

Access to the site currently is provided by two entrances along Franconia Road and from two entrances along Valley View Drive. The two entrances along Valley View Drive are proposed to be consolidated into one entrance. Parking is provided in the northeast quadrant of the site with 23 proposed (18 required) parking spaces. An existing five foot wide sidewalk is located along the site's Franconia Road frontage. The applicant proposes to construct a sidewalk five feet in width along the site's Valley View Drive frontage. Handicap accessibility ramps are proposed in front of the building and along the sidewalks.

Landscaping

A modification of the 50 ft transitional screening width to 25 ft is proposed along the northern property line. Existing vegetation is proposed to remain in this area with supplemental plantings proposed, which include Sweetbay Magnolias, American Hollies, and Blachaw Viburnum. A seven foot tall board-on-board fence is provided along the northern boundary. Peripheral parking lot landscaping made up of Eastern Red Cedar, Sweetbay Magnolia, and Dwarf Azaleas is provided along the western and southeastern property line. Sweetbay Magnolias are provided in the parking lot medians.

Stormwater Management

To address Best Management Practices (BMP), a bioretention facility is proposed with a two foot wide vegetative filter strip to protect the bioretention facility from debris. No

stormwater detention facility is proposed. The existing impervious area is not shown on the Special Exception Plat and such impervious area should be based on the approval for Special Permit S-168-74, which currently governs development of the site. A detailed comparison of the existing versus proposed impervious area tabulation/map is required at site plan to determine if additional BMPs and a stormwater detention facility are needed.

ANALYSIS

Land Use Analysis

The Comprehensive Plan recommends that screening and buffering should be provided to establish appropriate transitions to residential areas and to prevent commercial encroachment. Staff recommends removal of the two outdoor storage trailers in order to provide a greater buffer area to transition from the service station use to the residential use to the rear of the site.

The two storage trailers were never legally established and appear to have been added to the site prior to 1996, with the number of on-site storage trailers varying between two and three throughout the years. Removing the two storage trailers would minimize further commercial encroachment to the residential area. The existing storage trailers are temporary storage containers that easily could be removed from the site and would improve the appearance of the site from Franconia Road.

The applicant maintains that the use of both storage trailers is needed for storage of tires and other vehicle parts. Given the history of zoning violations on the site, staff is concerned that the amount of storage requested (the two storage trailers contain a total of 640 sf) could lead to continued zoning violations on the property. Based on staff's observation of seven nearby service stations along Franconia Road from Lee High School to the Franconia Branch of the U.S. Post Office, only two service stations (Shell and BP) have one outdoor storage container each on-site, which are both smaller in size, located out of view from Franconia Road, and are better integrated into the site than the applicant's two storage trailers.

The outdoor vehicle lift has been removed, but is shown on the Special Exception Plat. As such, staff has proposed a development condition to ensure that an outdoor vehicle lift will not be established on the property. Removal of the outdoor vehicle lift is consistent with the Board of Supervisors approval of previous development conditions associated with SE 2004-LE-008, which required the removal of the outdoor lift.

The two storage trailers and the outdoor vehicle lift, which has since been removed, are shown in Figures 3A and 3B.



Figure 3A: View from Franconia Road of the outdoor vehicle lift and storage trailers



Figure 3B: Aerial of the two storage trailers

Transportation Analysis (Appendix 6)

The Comprehensive Plan encourages interparcel access and consolidation of access points. Interparcel access could be provided to the west of the site, but such access at this time would not provide for a consolidation of access points with adjacent property or facilitate access to a signalized intersection. In addition, there is limited frontage along Franconia Road for vehicular access not associated with the service station use. As such, staff has not requested interparcel access.

The applicant is proposing to consolidate the two access points along Valley View Drive into one access point. The easternmost entrance on Franconia Road does not meet current County and Virginia Department of Transportation (VDOT) design standards for spacing from an intersection; VDOT and the applicant met on-site to review this issue. It was determined that removing one entrance will restrict on-site vehicle movement. Therefore a waiver of the design standards to allow the existing site access to remain would be needed at the time of site plan. Staff has proposed a development condition that if such a waiver is not granted at site plan, then the applicant must improve the entrance to meet VDOT design standards. With the proposed development condition, there are no outstanding transportation issues.

Urban Forest Management Analysis (Appendix 7)

A modification of the required 50 ft transitional screening width to 25 ft along the northern property line is requested. A similar request was granted with the approval of previous Special Exception applications for this site. Existing vegetation in the transitional screening area is proposed to remain with supplemental vegetation. Peripheral parking lot landscaping is provided along the western property line, but a waiver is requested along the Franconia Road and Valley View Drive frontages due to site constraints. A board-on-board fence seven feet in height is shown along the northern property line, which exceeds the barrier requirement of a six foot tall board-on-board fence.

Two Sweetbay Magnolias are proposed on either side of the Valley View Drive entrance; staff is unable to determine whether these plantings will affect the four foot restrictive planting area and/or VDOT's street planting regulations. Staff has proposed a development condition to address this issue.

The applicant proposes to have all native trees planted on-site propagated from seed or are non-genetically modified to receive 10-year tree canopy credit.

Stormwater Management Analysis (Appendix 8)

For the proposed development, the applicant is proposing a bioretention facility at the northeast quadrant of the site to address Best Management Practices (BMP) and a two foot wide vegetative filter strip to protect the bioretention facility from debris. No stormwater detention facility is proposed.

An existing impervious surface map was not provided to show the impervious surface area based on the approval of Special Permit S-168-74. As discussed earlier, this Special Permit governs the use of the site, which has expanded since the 1974 approval. As such, at the time of site plan, the applicant will need to provide a detailed comparison/tabulation and/or map of the impervious area of the site from 1974 and the impervious area that is now proposed for staff to determine if additional BMPs and/or if stormwater detention facility is needed. Staff has proposed a development condition to address this issue and staff has met with the applicant on this issue and discussed what would be required to be shown at the time of site plan.

It is noted that a new stormwater ordinance and updates to the Public Facilities Manual (PFM) stormwater requirements are being developed as a result of changes to State Code.

ZONING ORDINANCE PROVISIONS (Appendix 9)

Special Exception Requirements

All Special Exception applications must satisfy the General Special Exception Standards contained in Sect. 9-006 of the Zoning Ordinance, as well as, Sect. 9-611 of the Zoning Ordinance, provisions for approving Drive In Banks, Fast Food Restaurants, Quick Service Food Stores, Service Stations and Service Station/Mini Marts in a Highway Corridor Overlay District.

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

Screening and buffering are provided to transition to the residential development to the north. As discussed earlier, additional buffering is recommended by removing the two existing storage trailers, which encroach beyond the existing building footprint. Consolidation of access is proposed along Valley View Drive and improved landscaping is provided. In staff's opinion, the proposed use is in harmony with the Comprehensive Plan.

General Standard 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-5 District is to provide locations for convenience shopping that have a neighborhood-oriented market and supply necessities, which usually require frequent purchasing and with a minimum of consumer travel. The proposed five bay service station with six multi-product fuel pumps is a neighborhood serving use. The applicant indicates in the statement of justification that customers of the service station primarily reside in the general vicinity. This standard has been met.

General Standard 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.

As discussed earlier, staff recommends removal of the two outdoor storage trailers, which extend beyond the existing building footprint. This would provide additional buffering to prevent commercial encroachment towards residential uses to the north. The Comprehensive Plan recommends providing appropriate screening and buffering to transition to residential areas to prevent commercial encroachment.

Two service bays have been constructed at the rear of the service station building, in violation of the special permit approval, and face residential uses. Staff has proposed a development condition that no Virginia State vehicle emission testing shall be conducted in either of the two rear service bays. In addition, staff has proposed a development condition on the hours of operation for the service station.

Existing and supplemental landscaping along the northern boundary is proposed to provide vegetated screening and a seven foot tall fence is proposed between the service station and the residences to the north.

With the removal of the storage trailers, the application does not appear to hinder or to discourage development and use of adjacent or nearby land and/or buildings and does not appear to impair the value thereof with the proposed development conditions. With the proposed development conditions, this standard has been met.

General Standard 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.

As previously discussed, access to the service station currently is provided from two entrances along Franconia Road and two entrances along Valley View Drive. The applicant proposes to consolidate the two entrances along Valley View Drive into one entrance, which will improve on-site and off-site traffic. The two entrances along Franconia Road are proposed to remain. Pedestrian improvements are proposed, which include the addition of handicap accessible ramps to existing and proposed sidewalks, and a five foot wide sidewalk is proposed along the site's Valley View Drive frontage.

With the existing and proposed facilities, pedestrian and vehicular traffic associated with the use is not anticipated to be hazardous or to conflict with the existing and anticipated traffic in the neighborhood. With the proposed development conditions, this standard has been met.

General Standard 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.

As discussed earlier, the applicant has proposed additional plantings within the transitional screening area, peripheral parking lot landscaping along the western property line, and parking lot median landscaping. A seven foot tall board-on-board fence is shown along the site's northern boundary. This standard has been met.

General Standard 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 C-5 District requires a minimum of 20% open space. The Special Exception Plat shows 30.2% open space provided. This standard has been met.

General Standard 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.

As discussed earlier, adequate drainage, parking, and loading are being provided to serve the proposed use. Required parking and loading are based on Article 11 of the Zoning Ordinance. This standard has been met.

General Standard 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.

All signs shall be in conformance with Article 12 of the Zoning Ordinance and staff has proposed a development condition to ensure compliance. This standard has been met.

Highway Corridor Overlay District

The purpose of the Highway Corridor Overlay District (HC) in Sect. 7-600 of the Zoning Ordinance, is in general, to protect and promote the health, safety and general welfare of the public by the prevention or reduction of traffic congestion and/or danger in the public and private streets, a limitation is placed on certain automobile oriented, fast service, or quick turn-over uses. Par. 1 of Sect. 7-608, includes three use limitations and Par. 3 of Sect. 7-608 provides limitations specific to the C-5 or C-6 District (the subject property is zoned C-5).

Par. 1A of Sect. 7-608, Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.

As discussed earlier, there is an existing sidewalk five feet in width along the site's Franconia Road frontage, which provides pedestrian connection to adjacent properties. The applicant proposes to improve this sidewalk with handicap accessible ramps. In addition, the applicant proposes to construct a five foot wide sidewalk with handicap accessible ramps along the site's Valley View Drive frontage.

Also discussed earlier, the two access points along Valley View Drive are proposed to be consolidated into one access point and the two access points along Franconia Road are proposed to remain. This will improve both off-site and on-site circulation. With the proposed development conditions, this limitation has been addressed.

Par. 1B of Sect. 7-608, Such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. The following means of achieving this would be considered favorably: access via a public street not intended to carry through traffic, access via the internal circulation of a shopping center containing at least six other commercial uses, or access via a service drive.

The site is not a part of or adjacent to a shopping center and no service drive is planned or required for this portion of Franconia Road. Access is being improved along the site's Valley View Drive entrance. With the proposed development conditions, this limitation has been met.

Par. 1C of Sect. 7-608, 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.

A development condition is proposed that requires the sale of outdoor goods be limited to those items permitted by the definition of a "service station" in Article 20 of the Zoning Ordinance. The Zoning Ordinance limits the service station to 250 square feet of indoor sales area and to 50 square feet of outdoor sales/display area. With the proposed development condition, this limitation has been met.

Par. 3A of Sect. 7-608, 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 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 such vehicles on site at any one time.

The service station contains five existing service bays in which minor vehicle repairs are performed and Virginia State emission inspections are conducted. A development condition is proposed that prohibits performance of major vehicle repairs and outside storage of more than two abandoned, wrecked or inoperable vehicles on the site for more than 72 hours. In addition, a development condition is proposed that no Virginia State emission inspections shall be conducted in either of the two rear service bays, since it is one of the noisier services that occurs on-site and would face a residential area. With the proposed development conditions, this limitation has been met.

Waivers/Modifications

Modification of the Countywide Trails Plan for a major paved trail along Franconia Road in favor of the existing five foot wide concrete sidewalk.

The Countywide Trails Plan recommends a major paved trail (asphalt or concrete) eight feet or more in width along Franconia Road. Currently, there is a five foot wide concrete sidewalk along the applicant's Franconia Road frontage.

The applicant requests a modification of the Countywide Trails Plan recommendation in favor of the existing five foot concrete sidewalk. To increase the width of the sidewalk to eight feet would decrease the width of the travel aisle beside the southernmost fuel pump by three feet. This would make this fuel pump island unusable. The previous Special Exception approval (SE 2004-LE-008) granted this modification request. The applicant is proposing to improve the sidewalk with handicapped ramps. Staff does not object to the modification request.

Modification of Sect. 13-303 of the Zoning Ordinance for the transitional screening requirement along the northern property line to that shown on the SE Plat.

Pursuant to Sect. 13-301 of the Zoning Ordinance, Transitional Screening Type 3 (50 feet in width) and Barrier E, F, or G (six foot tall wall or fence) is required along the northern property line, where the site abuts a single family detached dwelling.

The applicant proposes a 25 ft transitional screening width along the northern property line. Within this transitional screening area, existing vegetation is proposed to remain with supplemental plantings. Previously approved Special Exception applications for the subject property were granted a modification to the transitional screening requirement in this area. With the proposed vegetative barrier and the proposed seven foot tall board-on-board fence, which exceeds the barrier requirement height, staff does not object to the requested modification.

Waiver of Sect. 13-203 of the Zoning Ordinance for peripheral parking lot landscaping along Franconia Road and Valley View Drive

Pursuant to Sect. 13-203 of the Zoning Ordinance, peripheral parking lot landscaping is required when any parking lot exceeds 20 or more parking spaces and transitional screening is not required by Sect. 13-302 and 13-303 of the Zoning Ordinance.

A peripheral parking lot landscaping strip of 10 ft in width is required along the site's Franconia Road and Valley View Drive frontages. Due to development of the site, such peripheral parking lot landscaping is not feasible and would restrict the use of the property. Therefore, a waiver of the peripheral parking lot landscaping requirement along Franconia Road and Valley View Drive is requested. Staff does not object to such a waiver.

Summary of Zoning Ordinance Provisions

In staff's opinion, all applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The application is in harmony with the Comprehensive Plan; however, greater buffering could be provided between the service station and residential uses to the north with the removal of the two existing storage trailers that were never legally established. This would provide an appropriate buffer and transition between the commercial and residential uses. With the proposed development conditions, the application is in conformance with applicable Zoning Ordinance provisions.

Recommendation

Staff recommends approval of SE 2013-LE-005, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the Countywide Trails Plan for a major paved trail along Franconia Road in favor of the existing five foot wide concrete sidewalk.

Staff recommends approval of a modification of Sect. 13-303 of the Zoning Ordinance for the transitional screening requirement along the northern property line to that shown on the Special Exception Plat.

Staff recommends approval of a waiver of Sect. 13-203 of the Zoning Ordinance for peripheral parking lot landscaping along Franconia Road and Valley View Drive.

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification
3. Affidavit
4. Development Conditions, Special Permit S-168-74
5. Notice of Violation
6. Transportation Analysis
7. Urban Forest Management Analysis
8. Stormwater Analysis
9. Zoning Ordinance Provisions
10. Glossary

PROPOSED DEVELOPMENT CONDITIONS**SE 2013-LE-005****October 10, 2013**

If it is the intent of the Board of Supervisors to approve Special Exception SE 2013-LE-005, located at Tax Map 81-3 ((4)) 4A, to permit site modifications and other changes to an existing service station pursuant to Sect. 7-607 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 this application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17 of the Zoning Ordinance, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any site plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception plat entitled Franconia Shell and prepared by Land Development Consultants, Inc., containing seven sheets dated February 14, 2013 and revised through August 29, 2013 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. Sales of food and other items indoors shall be limited to those permitted by the definition of a "Service Station" in Article 20 of the Zoning Ordinance and shall be limited to 250 square feet of gross floor area. There may be up to 50 square feet of accessory outdoor storage and display areas for goods offered for sale, but outdoor display and storage of items for sale, other than automobile fuel and oil, shall be prohibited.
5. The maximum number of service bays on site shall be limited to five as depicted on the Special Exception Plat. Vehicle repairs shall be performed within interior service bays only. No Virginia State emission testing shall be conducted in either of the two rear service bays.
6. No outdoor storage containers or trailers shall be permitted. Existing storage containers/trailers shall be removed within 60 days of this Special Exception approval. Landscaping shall be installed in place of the storage trailers, subject to the review and approval by the Urban Forest Management Division (UFMD).
7. No outdoor vehicle lifts shall be permitted.

8. No major vehicle repairs are permitted and outside storage of more than two abandoned, wrecked or inoperable vehicles on the site for more than 72 hours is prohibited.
9. The outdoor trash dumpster shall be enclosed by a board-on-board fence or other material that shall screen the trash dumpster from view. Such enclosure shall be provided within 60 days of this Special Exception approval.
10. The hours of operation for the service station shall be between 6:00 a.m. and 12:00 a.m., seven days a week; however, automotive repairs shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 8:00 a.m. and 4:00 p.m. on Saturday and Sunday.
11. All exterior lighting, security, pedestrian and/or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
12. All signs shall be in conformance with Article 12 of the Zoning Ordinance and Section 10-4.1 of the Fairfax County Code, and Part 9 of Article 14 of the Zoning Ordinance. All non-conforming signs shall be removed within 60 days of the Special Exception approval. No pole-mounted signs shall be permitted.
13. No temporary signs (including "popsicle" style paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on-site or off-site.
14. A sidewalk five feet in width with handicap accessible ramps shall be constructed within 60 days of site plan approval along the site's Valley View Drive frontage.
15. Tree Preservation. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of UFMD.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4 1/2 -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the Special Exception Plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507

and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

16. Tree Appraisal. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective site plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

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

trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

18. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the Special Exception Plat, subject to allowances specified in these conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the Special Exception Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
19. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four foot high, 14 gauge welded wire attached to six foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

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

20. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
 - Root pruning shall take place prior to any clearing and grading, demolition of structures.
 - Root pruning shall be conducted with the supervision of a certified arborist.
 - An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
21. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.
 22. The applicant shall demonstrate at time of site plan that the proposed Magnolia Virginiana (Sweetbay Magnolia) plantings shall not be located within a four foot restrictive planting area and shall not conflict with street planting regulations of the Virginia Department of Transportation (VDOT).
 23. If 10-year tree canopy credits are taken, at the time of site plan, the applicant shall provide a letter certifying that all native trees planted on the site for additional 10-year tree canopy credits as provided by §12-0510.4B(5) have been propagated from seed or non-genetically modified germoplasm collected within the mid-Atlantic region.
 24. Prior to site plan approval, approximately 211 square feet of right-of-way at the northeast corner of the site as shown on the Special Exception Plat shall be dedicated to the Board of Supervisors in fee simple in conformance with the policies and requirements of Fairfax County and VDOT.
 25. If a waiver of the design standard for the site's easternmost access point on Franconia Road is not granted at the time of site plan, the applicant shall construct the entrance as directed by VDOT.
 26. Vehicles parked on-site shall be parked only in designated, striped parking spaces at all times. Design of such parking spaces shall meet Zoning Ordinance and Public Facilities Manual requirements.
 27. Prior to site plan approval, the applicant shall provide a detailed comparison of existing versus proposed impervious area tabulation/map. The existing impervious area shall be established based on Special Permit S-168-74, which was approved on November 13, 1974. Based on this, stormwater detention and

requirements shall be met, if not waived pursuant to the Public Facilities Manual and the applicant shall establish the impervious area of the site, recalculate the phosphorus removal, and provide additional Best Management Practices as necessary.

28. The site shall be patrolled daily by the service station employees to pick up any trash on the site.
29. The selling, renting or leasing of trucks, trailers or automobiles on-site shall be prohibited.
30. If not already provided, an automotive fluid separator and/or underground fluid container shall be installed within 60 days of this Special Exception approval and designed such that any areas that could have oil or other vehicular fluid spills shall be contained. Such facility shall be properly maintained and properly drained and any liquids contained within shall be properly disposed of on a routine basis.

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 Sect. 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, 18 months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use 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 Statement of Justification
6136 Franconia Road
Tax Map: 81-3((4))-0004A
01-10-2013

Franconia Square, LLC requests approval of a Category 6 Special Exception to allow the redevelopment and renovation of the existing service station. The proposed renovations will include but not be limited to the following: addition of two (2) bays to the rear of the building, continued use of two(2) storage trailers and an office space addition. Also the existing parking lot at the rear of the property shall be expanded to provide additional parking spaces, including additional handicap parking spaces and ramps for easy access from the front and rear of building, and a new monument sign. The owner shall also renovate the sidewalks along the front of the property by constructing six new handicap ramps along Franconia Road and Valley View Drive. In addition, the owner shall add a loading space, additional landscaping, a wooden fence along the northern property line, a BMP tree box structure, and storm drainage improvements.

An earlier special exception (SE 2004-LE-008) was approved on January 24, 2005 to obtain approval for most of the same items on this application. This special exception approval lapsed because the improvements were never established within the established time frame. These improvements shall have a positive effect on the surrounding properties while establishing an appropriate transition to any residential areas through additional screening and buffering, and improving storm drainage design.

The following information is offered in support of this application:

A. Type of operation:

The existing operation consists of a Service Station/Snack Shop. No change in service is proposed at this time.

B. Hours of Operation:

The facility is currently open from 6:00 am to midnight. No change in operational hours is proposed.

C. Estimated Number of patrons/clients/patients/pupils/etc:

The customers of the service station primarily reside in the greater Springfield/Franconia/Kingstowne area (Lee Magisterial District). The vast majorities of the customers drive by the site as part of their daily routine commute and are not destination trips. It is estimated that an average of 600 customers per day or 1200 vehicles per day (vpd) shall be generated by the service station after its renovation. This amounts to an increase of approximately 110 customers or 220 vpd.

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

Six employees maximum shall be on site at any one time.

- 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:*

The proposed improvements shall have a negligible impact on traffic. The five (5) service bays, the service station will continue to primarily serve the local community rather than draw retail sales customers from I-95 or I-495. In addition, the on-site circulation shall be enhanced by consolidating the two Valley View Drive entrances into one entrance, while the addition of the two bays at the rear of the building will not materially change the number of trips to and from the site.

- F. *Vicinity of general area to be served by the use:*

The service station will serve the surrounding Springfield, Franconia, and Kingstowne communities.

- G. *Description of building façade and architecture of proposed new building or additions:*

The size and scale of the proposed facilities are consistent with other nearby service stations and commercial development. The service station will remain oriented toward Franconia Road away from the residential areas to the north. The location, size, and height of any proposed structures shall be in conformance with to the constraints of the C-5 district. The proposed improvements shall include repairing and upgrading the fascia of the existing service station, and refacing the existing pole I.D. and sign. The re-development will help to update and modernize the older commercial portion of the Franconia Road corridor.

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

Other than motor vehicle fuel and petroleum products, to the best of the Applicant's knowledge, there are no hazardous or toxic substances (as outlined in the referenced state and federal regulations above) to be generated, utilized, stored, treated and /or disposed of on site. Hazardous substances, comprised of petroleum products commonly found at service stations, shall be utilized, stored, and sold on site in compliance with all federal, state and local regulations. All hazardous waste shall be disposed of in compliance with all federal, state and local regulations.

We respectfully request that the subject application for a Category 6 Special Exception be endorsed by the Planning Staff and the planning Commission, and approved by the Board of Supervisors.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 09/10/2013
 (enter date affidavit is notarized)

I, John Manganello, P.E., 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

120664

in Application No.(s): SE 2013-LE-005
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE***, each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Franconia Square, LLC Agent: Roland Joun Sami M. Fakhouri	8412 Copperleaf Court Fairfax Station, VA 22039	Lessee/ Applicant
Nova Petroleum Realty, LLC Agent: William P. Crowe Eyob (NMI) Mamo	6820-B Commercial Drive Springfield, VA 22151	Title Owner Tax Map #01-3((4)) 4A
Land Development Consultants, Inc. Agent: John C. Manganello, P.E.	10805 Main Street, Suite 700 Fairfax, VA 22030	Engineer/ Agent
Reed Smith LLP David Houston	3110 Fairview Park Drive, Suite 1400 Falls Church, VA 22042	Attorney/ Agent

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

* 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(b)

DATE: 09/10/2013
(enter date affidavit is notarized)
SE 2013-LE-005

120664

for Application No. (s): _____
(enter County-assigned application number (s))

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

NOVA PETROLEUM REALTY, LLC
6820-B Commercial Drive
Springfield, VA 22151

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)

NOVA SPE Managing Member, Inc., NOVA Petroleum Suppliers, LLC
Manager

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

Franconia Square, LLC
8412 Copperleaf Court
Fairfax Station, VA 22039

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)

Roland Joun
Sami M. Fakhouri

(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: 09/10/2013
(enter date affidavit is notarized)

1206 64

for Application No. (s): SE 2013-LE-005
(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) Land Development Consultants, Inc.
10805 Main Street, St. 700
Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

- [x] 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)

John C. Manganello

(check if applicable) [x] 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: 09/10/2013
(enter date affidavit is notarized)

120664

for Application No. (s): SE 2013 - LE - 005
(enter County-assigned application number (s))

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

NOVA HOLDCO, LLC
6820-B Commercial Drive
Springfield, VA 22151

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)

Eyob (NMI) Mamo, Manager and Member Gerald (NMI) Schaeffer, Member

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

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)

(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: 09/10/2013
(enter date affidavit is notarized)

120664

for Application No. (s): SE 2013-LE-005
(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)

N/A

see Page 1 of 3 next

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

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

(check if applicable) [X] 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: 09/10/2013
(enter date affidavit is notarized)
SE 2013-LE-005

120664

for Application No. (s): _____
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Reed Smith LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, VA 22042(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)

Alexander, Eric L.	Burke, Carol M.	Eskilson, James R.
Allen, Thomas L.	Burroughs, Benton, Jr.	Estrada, Edward J.
Andrews, Alexander T.	Cameron, Douglas E.	Evagora, Kyriacos
Arnold, Roy W.	Campos, Lorraine M.	Fagelson, Ian B.
Atallah, Ana (NMI)	Caplan, Gary S.	Falkner, Robert P.
Baker, Scott D.	Carder, Elizabeth B.	Fawcett, David B.
Barber, William J.	Cardozo, Raymond A.	Fogel, Paul D.
Barnes, James J.	Casdagli, Emma F.	Fosh, Michael John
Bartfeld, Arnold L.	Cassidy, Peter J.	Francis, Ronald L.
Bastier, Ellen L.	Charot, Benoît (NMI)	Frank, Ronald W.
Beale, Giles W.	Cheung, Janet Bo Chun	Freeman, Lynne P.
Beale, Timothy (NMI)	Clark, Peter S.	Frenier, Diane M.
Begley, Sara A.	Cobetto, Jack B.	Fritton, Karl A.
Beilke, Michele J.	Cody, Daniel A.	Gabbert, Dale (NMI)
Bell, Gordon F.	Colman, Abraham J.	Gallo, Frank J.
Bernier, Maria N.	Conner, Walter T.	Gasparetti, Lorenzo E.
Bernstein, Leonard A.	Connoley, Mark F.	Geist, Melissa A.
Bettino, Diane A.	Convery, J. Ferd	Gentile, Pasquale D.
Bhattacharyya, Gautam (NMI)	Cooper, Steven (NMI)	Graumlich, Betty S.W.
Bickham, J. David	Cotler, Alan K.	Greenblatt, Lewis B.
Binder, Justus (NMI)	Cousté, Marina (NMI)	Green-Kelly, Diane
Binis, Barbara R.	Davies, Colleen T.	Greer, Amy J.
Birt, Steven J.	Davis, James M.	Greeson, Thomas W.
Blasier, Peter C.	Dentice, Nathan (NMI)	Grellet, Luc J.
Boehner, Russell J.	Dermody, Debra H.	Grignon, Margaret A.
Bolden, A. Scott	DiFiore, Gerard S.	Grimes, David M.
Bonessa, Dennis R.	Dilling, Robert M.	Gross, Dodi Walker
Booker, Daniel I.	Dillon, Lee Ann	Guadagnino, Frank T.
Borg, Christopher (NMI)	DiNome, John A.	Gunn, Richard M.
Boutcher, David J.	Doron, Uri (NMI)	Gwynne, Kurt F.
Boven, Douglas G.	Drew, Jeffery R.	Haag, Edmund L.
Bovich, John P.	Dubelier, Eric A.	Hackett, Mary J.
Box, Tamara (NMI)	Dumville, Samuel Miles	Halbreich, David M.
Bradley, Patrick E.	Duronio, Carolyn D.	Hammodi, Ziad A.
Brennan, James C.	East, Lindsay T.	Hansson, Leigh T.
Broughton, Kenneth E.	Ellis, Peter M.	Hardy, Peter A.
Brown, Andrew K.	Ellison, John N.	Hartley, Simon P.
Brown, Charles A.	Enochs, Craig R.	Hartman, Ronald G.
Brown, Jon H.	Epstein, Bette B.	
Brown, Michael K.		

(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: 09/10/2013
(enter date affidavit is notarized)
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for Application No. (s): _____
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Reed Smith LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, VA 22042(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)

Hasselmann, Scot T.	Lasher, Lori L.	Parker, Roger J.
Hawley, Terence N.	Leech, Frederick C.	Patterson, Lorin E.
Healy, Christopher W.	Leiderman, Harvey L.	Pearman, Scott A.
Heffler, Curt L.	Li, Lianjun (NMI)	Peck, Daniel F.
Hemming, Seth M.	Loepere, Carol C.	Pedretti, Mark G.
Hewetson, Charles M.	LoVallo, Michael A.	Pike, Jonathan R.
Hill, Robert J.	Lowenstein, Michael E.	Poe, Alexandra (NMI)
Hill, Thomas E.	Magera, George F.	Pollack, Michael B.
Hirsch, Austin L.	Maguire, Nicola K.	Powell, David C.
Hitt, Leo N.	Mahone, Glenn R.	Pryor, Gregory J.
Ho, Delpha (NMI)	Maiden, Todd O.	Quenby, Georgia M.
Hofmeister, Jr. Daniel J.	Mantell, Nanette W.	Radley, Lawrence J.
Holloway, Wanda G.	Martin, James C.	Raju, Ajay K.
Honigberg, Carol C.	Martini, John D.	Rawles, Douglas C.
Hooper, John P.	McAllister, David J.	Raymond, Peter D.
Horrigan, Courtney T.	McCarroll, James C.	Reid, Graham M.
Houston, Marsha A.	McConnell, Stephen J.	Reinke, Donald C.
Hultquist, James T.	McDavid, George E.	Robinson, Richard A.
Husar, Linda S.	McGarrigle, Thomas J.	Roche, Brian D.
Iino, John M.	McNair, James E.	Rosen, Barry S.
Ince, Thomas A.	Melodia, Mark S.	Rosenbaum, Joseph I.
Innamorato, Don A.	Metro, Joseph W.	Rosenberg, Carolyn H.
Jared, Cynthia (NMI)	Miller, Edward S.	Roth, Robert A.
Jaskot, Paul J.	Miller, Jesse L.	Rowan, Vincent B.
Jeffcott, Robin B.	Miller, Steven A.	Rubenstein, Donald P.
Jenkinson, Andrew P.	Min, Catharina Y.	Ryan, Catherine S.
Jong, Denise (NMI)	Moberg, Marilyn A.	Rydstrom, Kirsten R.
Jordan, Gregory B.	Mok, Kar Chung (NMI)	Rymer, Philip R.
Kabnick, Lisa D.	Moller, Charlotte (NMI)	Sanders, James L.
Karides, Constantine (NMI)	Morrison, Alexander David	Sanders, Michael (NMI)
Kaufman, Marc S.	Munsch, Martha Hartle	Sauvage, Nicolas C.
Kaung, Alexander (NMI)	Napolitano, Perry A.	Schaffer, Eric A.
Kirk, Dusty E.	Naugle, Louis A.	Schatz, Gordon B.
Kirkpatrick, Stephen A.	Nelson, Jack R.	Scheve, Stephen E.
Kozlov, Herbert F.	Nicholas, Robert A.	Schlecker, David M.
Kramer, Ann V.	O'Brien, Kathyleen A.	Schlesinger, Matthew J.
Krasik, Carl (NMI)	O'Donoghue, Cynthia (NMI)	Schmarak, Bradley S.
Krebs-Markrich, Julia (NMI)	O'Neil, Mark T.	Schwartz, Wendy H.
Kugler, Stefan L.	Paisley, Belinda L.	Scogin, Hugh T.
Kwuon, Janet H.		
Lai, Ivy (NMI)		

(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: 09/10/2013
(enter date affidavit is notarized)
SE 2013-LE-005

120664

for Application No. (s): _____
(enter County-assigned application number (s))

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

Reed Smith LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, VA 22042

(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**)

- | | |
|----------------------------|-------------------------|
| Scott, Michael T. | Teare, Peter A. |
| Seaman, Charles H. | Terras, Alexander (NMI) |
| Sedlack, Joseph M. | Thallner, Karl A. |
| Sessa, Stephen E. | Thomas, Alexander Y. |
| Shanus, Stuart A. | Thompson, David A. |
| Sharma, Asha Rani | Thompson, Gary S. |
| Shaw, Nicholas J. | Tocci, Gary M. |
| Shay-Byrne, Olivia (NMI) | Tompkins, Benjamin F. |
| Short, Carolyn P. | Toms, Jason (NMI) |
| Shugrue, John D. | Turner, Paul B. |
| Siev, Jordan W. | Vishneski, John S. |
| Sigelko, Duane F. | Vitsas, John L. |
| Simons, Robert P. | von Waldow, Arnd N. |
| Singer, Paul M. | Watt, Christopher (NMI) |
| Skrein, Stephen P. | Weiss, David E. |
| Slater, Phillip B. | Weissman, David L. |
| Smersfelt, Kenneth N. | Weissman, Sonja S. |
| Smith, John Lynn | Weller, Charles G. |
| Smith, Robert M | Wells, Kristin I. |
| Snyder Bagnell, Nicolle R. | Wilkinson, James F. |
| Sollie, Kyle O. | Wilkinson, John NR |
| Sorensen, Anker (NMI) | Wolff, Sarah R. |
| Spafford, Richard A. | Wood, Douglas J. |
| Speed, Nicholas P. | Yam, Perry (NMI) |
| Springer, Claudia Z. | Yan, Betty (NMI) |
| Stanley, David E. | Yan, Jay J. |
| Stephenson, Leon (NMI) | Yoo, Thomas J. |
| Stewart, George L. | Zaman, Peter O. |
| Stimpson, Barry P. | Zoeller, Lee A. |
| Suddath, Thomas H. | Zurzolo, Tracy L. |
| Suess, Philipp T. | |
| Swinburn, Richard G. | |
| Tandler, James R. | |
| Tashman, Matthew E. | |
| Taylor, Andrew D. | |
| Taylor, Philip M. | |

(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: 09/10/2013
(enter date affidavit is notarized)

120664

for Application No. (s): SE 2013-LE-005
(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:

[x] 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: 09/10/2013
(enter date affidavit is notarized)

120664

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.

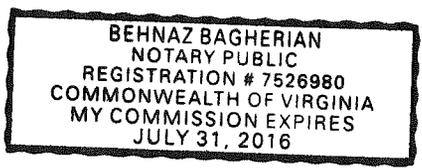
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, 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: *John C. Manganello*
(check one) Applicant Applicant's Authorized Agent
JOHN C. MANGANELLO, P.E.
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 10 day of September 20 13, in the State/Comm. of Virginia, County/City of Fairfax.

Bagh
Notary Public

My commission expires: July 31, 2016



Mr. Montgomery, waived the screening requirement along that property line. Dr. Morgan, who is the contiguous property owner to the rear, did not waive the screening requirement.

Mr. D. B. Johnson, owner of the contiguous property to the other side, spoke in opposition to this application. He stated that his company is in the process of building a warehouse on the contiguous lot. He stated that his proposed building will be suitable for retailing and he feels that this 6' fence in the front yard will degrade his property. He stated that he feels this requirement in the Zoning Ordinance is necessary to maintain the established neighborhood and protect the environment. The reason they need the variance, as Mr. Zeff stated, is to protect the storage of the trucks and equipment they have on that property. However, according to Chapter 30-3.4.10 of the Zoning Ordinance, they should not be using the front setback for the storing of these trucks and equipment. This is what they are now using it for.

Mr. Smith agreed and stated that the only thing they should be using the front setback for is customer parking.

Mr. Johnson stated that he felt that this 6' fence would also create a sight distance problem. The Ordinance would allow a 4' fence in the front yard as long as it did not hamper the sight distance, but this 4' fence would even affect the sight distance.

Mr. Smith stated that the applicant would not be allowed to have even the 4' fence then, if this is the case.

Mr. Johnson stated that the applicant's justification has nothing to do with the physical aspects of the land or buildings involved as must be the case in order for this Board to grant a variance. He stated that he submits that this Board has no authority to grant this variance. He then submitted a letter from Capitol Distributors, Inc. 5004 Buchanan Street, Hyattsville, Maryland, the future lessee of the proposed building contiguous to the subject property, in opposition to this application.

Mr. Smith also read a letter from Dr. A. B. Morgan in relation to this fence. Although Dr. Morgan stated that he did not object to the fence, he stated that according to the Zoning Ordinance, the Browning-Ferris operation should be screened from view from the first floor of their home and it is not. He stated that he felt this was a violation of the zoning regulations. He also complained about the smoke and fumes coming from these huge trash and garbage trucks in the morning.

Mr. Barnes moved that this case be deferred for further study and he would like to ask Mr. Covington, the Assistant Zoning Administrator, to go over this with his Staff to see what is what and that it should be rescheduled whenever the Clerk can get it on the Agenda after Mr. Covington has studied it, but not to be more than 30 days.

Mr. Baker seconded the motion. The motion passed 4 to 0.
(Mr. Runyon abstained from the entire hearing).

//

10:50 - SHELL OIL COMPANY, appl. under Sec. 30-7.2.10.2.1 of the Zoning Ord. to permit amendment to existing SUP to allow relocation of pump islands, construction of driveway to rear of existing station, relocation of fence required by previous SUP & waiver of screening requirement under existing SUP adjacent to residential land, n.w. corner of Valley View Drive (Route 718) and Franconia Road, 81-3((4))4A, 32,088 square feet, Lee District, (C-N), S-168-74

10:50 - SHELL OIL COMPANY, appl. under Sec. 30-6.6 of Ord. to permit relocation of pump island closer to front prop. line than allowed by Ord. because of taking by VDH for widening of Franconia Road, n.w. corner of Valley View Drive & Franconia Road, 81-3((4))4A, (32,088 sq. ft.), Lee Dist., (C-N), V-169-74.

10:50 - SHELL OIL COMPANY, SHOW-CAUSE HEARING, S-35-70, Show-Cause why SUP should not be revoked for failure to comply with conditions of original SUP granted to Shell, n.w. corner of Valley View Drive & Franconia Rd., 81-3((4))4A, 32,088 sq. ft., Lee Dist., (C-N), Deferred from 9-25-74 & 7-24-74 to allow applicant to submit amended SUP application.

Mr. William Hansbarger, attorney for the applicant, testified before the Board. He submitted notices to the property owners which were in order. The contiguous owners were Hollis Hall and Lillie May Deavers, 6142 Franconia Road, Alexandria, and George and Dorothy Lyles, 5700 Ambler Street, Alexandria, Virginia.

Mr. Hansbarger stated that the reason for the requested amendment to the

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existing Special Use Permit and the request for the variance is because the Virginia Department of Highways is proposing to widen Franconia Road and Valley View Drive which will require the relocation of the pump islands. Although the proposed pump islands are setback further from the new right-of-way than the existing pump islands, one of them is 13 feet from the new right-of-way line, and since the minimum required setback for such is 25 feet, they need a variance of 12 feet to the requirement.

Mr. Smith inquired of Mr. Covington if they really need a variance since the Highway Department is taking the land.

Mr. Covington stated that they do need a variance as the Zoning Department can only grant a 20 percent reduction when there is a taking by the Highway Department.

Mr. Smith asked Mr. Hansbarger if the Highway Department had negotiated the purchase yet. Mr. Hansbarger answered that they have negotiated the purchase, but if Shell can move the pump islands back, the State will not have to pay for those pump islands.

In answer to Mr. Smith's question, Mr. Runyon stated that he was familiar with this and he feels the Highway Department will move ahead shortly.

Mr. Hansbarger submitted a copy of the Highway Department's plan.

Mr. Steve Reynolds from Preliminary Engineering spoke before the Board and stated that it was his feeling also that the Highway Department's proposal is moving forward and should take place in the near future.

Mr. Hansbarger requested that the Board dismiss the Show-Cause hearing and allow them to place the fence along the rear property line. He stated that the fence requirement should not have any bearing on the relocation of the pumps. The Board had requested Shell to place the fence 20' behind the proposed addition in 1970 because of the property owner to the rear who complained about trucks parking in that area. Trucks no longer park in that area and, therefore, there is no need for the fence to be in that location. They will, however, put the fence along the rear property line and also put in screening in that area.

Mr. Smith stated that the Board could not dismiss the Show-Cause until that fence is up. It was agreed that the Show-Cause be deferred for 120 days to allow the applicant time to implement the screening and fencing relocation as indicated in the plans submitted with this application today.

There being no one to speak in favor or in opposition, Mr. Runyon made the following motion.

RESOLUTION

In application No. S-168-74, application by Shell Oil Company under Section 30-7.2.10.2.1 of the Zoning Ordinance to permit amendment to existing SUP to allow relocation of pump islands, construction of driveway to rear of existing station, relocation of fence required by previous Special Use Permit and waiver of screening required under previous SUP adjacent to residential land, on property located at Valley View Drive and Franconia Road, also known as tax map 81-3((4))4A, Lee District, County of Fairfax, Virginia, Mr. Runyon moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 13th day of November, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is the applicant.
2. That the present zoning is C-N.
3. That the area of the lot is 32,088 square feet.
4. That compliance with Site Plan Ordinance is required.
5. That the applicant has been operating, pursuant to SUP No. S-35-70, granted 4-14-70, a service station on this property. A Show-Cause Hearing was ordered because Permittee failed to comply with a condition of the Special Use Permit that a chain link fence with standard screening was to be placed 20' behind the proposed addition.
6. The current application seeks to amend S-35-70 to reflect the proposed taking by VDH for widening of Franconia Road and Valley View Drive, the proposed relocation of the fence and screening to the rear of the property, the

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paving of additional area behind the station, and relocation of the pump islands.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusion of law:

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 in the Zoning Ordinance, and

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. All other provisions of the existing Special Use Permit shall remain in effect as follows:

- a. There will not be at any time storage, selling, renting or leasing of trucks, trailers or automobiles in connection with this use.
- b. Lighting is to be directed onto the property itself.
- c. Any new signs shall be limited to 26 feet maximum height.

Mr. Baker seconded the motion. The motion passed 5 to 0.

-----RESOLUTION RE VARIANCE-----

In application No. V-169-74, application by Shell Oil Company under Section 30-6.6 of the Zoning Ordinance to permit pump island 13' from front property line after VDH takes some frontage for widening of Franconia Road and Valley View Drive, on property located at Valley View Drive and Franconia Road, also known as tax map 81-3((4))4A, County of Fairfax, Virginia, Mr. Runyon moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by this Board held on the 13th day of November, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is the applicant.
2. That the present zoning is C-N.
3. That the area of the lot is 32,088 square feet.
4. That VDH plans widening of Franconia Road that would render the existing pump island unuseable.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusion of law:

1. That the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.



County of Fairfax, Virginia

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: June 21, 2012

SHERIFF'S LETTER

CASE #: 201105831 **SR#:** 75475

SERVE: Franconia Shell
c/o Roland Gune, Business Owner
6136 Franconia Road
Alexandria, Virginia 22310

LOCATION OF VIOLATION 6136 Franconia Road
Alexandria, Virginia 22310
Franconia Hills Pt, Lot 4
Tax Map #: 81-3 ((4)) 4A
Zoning Districts: C-5, H-C

Dear Business Owner:

Investigations of the above referenced property on November 1, 2011, and May 24, 2012 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 17-103 (2) Site Plan

§ 18-601 Building Permit:

§ 18-603 Limitations on Approval of Building Permits:

A review of county records has revealed that Site Plan 271-A, entitled Shell Oil was approved on November 19, 1969 for one (1) building, two (2) gas pumps and underground tanks.

The investigations have determined that inoperable vehicles and abandoned vehicles, outdoor storage of automotive parts and equipment, large plastic fluid drums, construction material and other miscellaneous items, vehicle repairs outside the designated service bay areas, construction of a six (6') foot wood privacy fence at the left side of the building to enclose the area where vehicle repairs are performed, prohibited signs, two (2) accessory storage containers, paving the rear area of the property and a two (2) vehicle bay addition attached to the rear of the building has been established or expanded on this property. A review of Fairfax County records revealed

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

Franconia Shell
c/o Roland Gune, Business Owner
June 21, 2012
Page 2

that no site plan has been approved to permit this. The establishment or expansion of this use on this property is in violation of Par. 2 of Sect. 17-103 of the Zoning Ordinance which states:

Prior to construction and/or establishment, the following uses, including modifications or alterations to existing uses, shall require site plan or minor site plan approval unless exempt under Sect. 104 below:

2. All permitted uses in the C districts.

Furthermore, a review of Fairfax County Land Development records indicates that a Building Permit was never obtained for the construction/erection of the rear two (2) bay addition as required in Sect. 18-601 of the Zoning Ordinance. Therefore, the construction/erection of the rear two (2) bay addition is not in conformance with Site Plan 271-A or Special Permit S-168-74 and is in violation of Sect. 18-601 of the Zoning Ordinance which specifies:

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit Application has been approved by the Zoning Administrator.

Finally, a Building Permit cannot be issued for the rear two (2) bays addition until it is shown on an approved site plan as required by Par. 1 of Sect. 18-603. This provision states that:

No Building Permit shall be issued for the erection of any building or structure on a lot or addition or modification to a building or structure that is in violation of any of the provisions of Chapter 101, Chapter 116 or Chapter 118 of The Code, this Ordinance, all other applicable laws and ordinances, any proffered conditions, or any development conditions of any approved rezoning, special permit, special exception or variance. Appeals of decisions made pursuant to Chapter 118 of The Code which are appealable shall be processed in accordance with Article 8 of Chapter 118.

Therefore, you are in violation of Par. 1 of Sect. 18-603 of the Zoning Ordinance as outlined above. You are hereby directed to clear these violations within thirty (30) days after of the date of this notice. Compliance must be accomplished by:

- Removing the rear two (2) bay addition from the property; or
- Submitting to and obtaining approval from the Department of Public Works and Environmental Services (DPWES) for a new site plan to reflect the use of the two (2) bay addition on the property; and

- Applying for a Building Permit for the two (2) bays addition; and
- Apply for and obtain a Special Exception approval for a service station.

§ 2-304 (1) Special Exception:

No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

Research of our records indicates that Franconia Shell, located at 6136 Franconia Road, is subject to Special Permit S-168-74, which was granted by the Board of Zoning Appeals (BZA) on November 13, 1974, to permit amendment to existing SUP to allow relocation of pump islands, construction of driveway to rear of existing station, relocation of fence required by previous Special Use Permit and waiver of screening required under previous SUP adjacent to residential land and building renovations. Special Permit S-168-74 was granted subject to the development conditions mentioned above.

Based on zoning investigations on November 1, 2011, and May 24, 2012, it has been determined that this use is not being conducted in compliance with S-168-74 by conducting vehicle repairs outside the designated service bay areas, constructing a six (6') foot wood privacy fence at the left side of the building to enclose the area where vehicle repairs are performed and displaying new tires sales in front of the building. Since the approved Special Permit Use has been expanded, the service station requires Special Exception approval.

Therefore, you are in violation of Par. 1 of Sect. 2-304 of the Zoning Ordinance as outlined above.

You are hereby directed to clear these violations within thirty (30) days after of the date of this notice. Compliance must be accomplished by:

- Ceasing vehicle repairs performed outside the designated service bay areas; and
- Remove the six (6') foot privacy fence located at the left side of the building; and
- Remove the outside display or storage of items for sale, other than automobile fuel, or
- Apply for and obtain a Special Exception for the Service Station, and obtain all

the other necessary permits.

§ 2-302 (5) Permitted Uses: STORAGE YARD

No use shall be allowed in any district which is not permitted by the regulations for the district.

Use limitations in a C-5 Neighborhood Retail Commercial District as outlined in Sect. 4-502 of Part 5 of the Zoning Ordinance does not include a storage yard use. Such a use under the Fairfax County Zoning Ordinance is defined by Part 3 of Article 20 of the Fairfax County Zoning Ordinance as:

STORAGE YARD: The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery.

The investigations found that you are storing inoperable vehicles and abandoned vehicles, outdoor storage of automotive parts and equipment, large plastic fluid drums, construction material and other miscellaneous items on the property.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

- Removing the storage yard use from the property.

§ 2-302 (9) Sign Not Permitted

The investigations revealed that you have installed or have allowed the installation of signs on the above referenced property. These signs advertise Shell Nitrogen Enriched Gasoline, Va. State Inspections and Va. State Emissions. A sign is defined in Article 20 of the Fairfax County Zoning Ordinance in part, as:

Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or similar character which:

- Is used to announce, direct attention to, identify, advertise or otherwise make anything known; and
- Is visible from the public right-of-way or from adjoining property.

These signs are not permitted in accordance with Article 12 of the Zoning Ordinance. Therefore the display of this sign is a violation of Par. 9 of Sect. 2-302 which requires that:

Franconia Shell
c/o Roland Gune, Business Owner
June 21, 2012
Page 5

No sign shall hereafter be erected, built or displayed and no existing sign shall be moved, remodeled, altered or enlarged unless such sign complies, or will thereafter comply, with the provisions of Article 12.

You are hereby directed to clear this violation within 24 hours after receipt of this Notice. Compliance can be accomplished by:

- Removing, on a permanent basis, the unpermitted signs from the property.

§ 18-701 Non Residential Use Permit:

It has been determined that Franconia Shell is not operating/occupying the property in compliance with Non-RUP A- 2001-1013 for Franconia Shell. Therefore, you are in violation of Sect. 18-701 of the Fairfax County Zoning Ordinance which states:

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

- Vacating the premises or
- Obtaining the required Non-RUP indicating expansion of service station use within thirty (30) days of the date of this Notice.

Specific instructions and requirements relative to this permit can be obtained by contacting the Zoning Permit Review Branch, 12055 Government Center Parkway, Fairfax, Virginia, telephone 703-222-1082, between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday.

A follow-up investigation will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

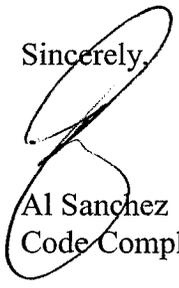
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the

Franconia Shell
c/o Roland Gune, Business Owner
June 21, 2012
Page 6

decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-4375 or (703) 324-1300.

Sincerely,



Al Sanchez
Code Compliance Investigator



COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY
COMMISSIONER

4975 Alliance Drive
Fairfax, VA 22030

June 7, 2013

To: Ms. Barbara Berlin
Director, Zoning Evaluation Division

From: Noreen H. Maloney
Virginia Department of Transportation – Land Development

Subject: SE 2013-LE-005
Franconia Shell

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

This office has reviewed the subject application and offers the following comments.

- Entrances should be designed/constructed per the VDOT *Road Design Manual*.
- Spacing of the entrances should meet the requirements for Access Management per the VDOT *Road Design Manual*.
- Show that adequate Sight Distance is provided for each entrance.



County of Fairfax, Virginia

MEMORANDUM

DATE: May 31, 2013

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 2013-LE-005)

SUBJECT: Transportation Impact

REFERENCE: SE 2013-LE-005 Franconia Square, LLC
Traffic Zone: 1485
Land Identification Map: 81-3 ((4)) 4A

AKR
LAH

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated January 3, 2008, and signed April 8, 2008. The applicant proposes site modifications and other changes to an existing service station.

This Department has no transportation issues with this application.

AKR/LAH/lah



County of Fairfax, Virginia

MEMORANDUM

DATE: August 16, 2013

TO: Mary Ann Tsai, Staff Coordinator
Department of Planning and Zoning

FROM: Samantha Wangsgard, Urban Forester II 
Forest Conservation Branch, DPWES

SUBJECT: Franconia Square, LLC; SE 2013-LE-005

RE: Request for Assistance dated August 12, 2013

This review is based upon review of the resubmission of the special exception SE 2013-LE-005 application stamped as "Received Department of Planning Zoning August 8, 2013."

1. Comment: It remains unclear what trees will be used towards meeting the Tree Preservation Target and 10-Year Canopy and Transitional Screening requirements for the site.

Recommendation: All trees and forested areas that meet the health, species, and area requirements, which are being used to meet the Tree Preservation Target and 10-Year Canopy and Transitional screening requirements for the site, should be clearly depicted and labeled showing the preservation area being used to meet these canopy requirements. It should be noted that no canopy credit should be taken for trees located within the storm drain easement.

2. Comment: As previously noted it appears that the applicant is requesting to modify the transitional screening that is required along the northern boundary to that shown on the plat. However, it remains unclear what the applicant is proposing for a barrier and the proposed landscaping and use of existing vegetation does not meet the intent of the Type 3 transitional screening as required by the ZO 13-303.C.

Recommendation: The applicant should provide Type 3 Transitional Screening and all required landscaping in accordance with ZO 13-303.3C. This includes 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.

Additionally a Type E, F or G barrier should be provided along the north side of the site in accordance with ZO 13-304. If the applicant wishes to continue to pursue their request for a modification, they should provide the following:

- 1) Additional landscaping including shrubs, to meet the intent of Type 3 transitional screening,
 - 2) Calculations showing what is required for a Type 3 transitional screening yard and what is being proposed and
 - 3) A statement describing the site specific reason for why the transitional screening requirement cannot be met and which identifies a specific justification for the request from ZO 13-305.
3. Comment: The proposed parking onsite is greater than 20 spaces and as such peripheral parking lot landscaping is required along Franconia Road and Valley View Drive.

Recommendation: Peripheral parking lot landscaping should be shown on the plat and calculations identifying how the requirements have been met should also be provided. If peripheral parking lot requirements cannot be met, calculations should be provided showing what is required and what is proposed for peripheral parking lot landscaping and a request for a modification should be provided. This request for a modification should specifically identify why the request is being made and provide a specific justification as described in 13-203.3 of the Zoning Ordinance.

4. Comment: The applicant is proposing to use the native plant multiplier. This multiplier requires that a letter certifying that all plant material used to gain the additional credits has been propagated from seed or non-genetically modified germoplasm collected within the mid-Atlantic region is required.

Recommendation: The tree cover calculations should be revised to utilize another multiplier such as wildlife or a note stating that a letter shall be furnished certifying that all plant material used to gain the additional credits has been propagated from seed or non-genetically modified germoplasm collected within the mid-Atlantic region is required should be provided.

UFMDID #: 181120

cc: DPZ File





County of Fairfax, Virginia

MEMORANDUM

DATE: September 9, 2013

TO: Mary Ann Tsai; Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Thakur Dhakal, Senior Engineer III
Site Development and Inspections Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Plat #SE 2013-LE-005, Franconia Shell, GDP Plat dated August 8 2013, LDS Project #xxxx-ZONA-001-1, Tax Map #081-3-04-0004A; Cameron Run Watershed; Lee District

We have reviewed the subject plan and offer the following Stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There are no Resource Protection Areas on the site.

Floodplain

There are no regulated floodplains on the site.

Downstream Drainage Complaints

There are several downstream flooding complaints on file. More information on these complaints is available from the Maintenance & Stormwater Management Division (703 877 2800). Detention is mandatory when there are downstream drainage complaints.

Stormwater Detention

Detention requirements must be met if not waived (PFM 6-0301.3). Applicant indicates that detention requirement will be met by reducing the impervious area in the site. A detailed comparison of existing versus proposed impervious area tabulation/map shall be provided for justification. However, the existing impervious area shall be established based on Special Permit that was approved in 1974. County record does not indicate that the current impervious area on the site was established by approved Site Plan.

Water Quality Control

Applicant stated on sheet 7 that phosphorus removal requirements will be met for this development using Bio-retention Filter. The location of Bio-retention facility has been depicted in the plan. BMP computations and narrative indicate that the proposed plan reduces impervious area. However, existing impervious area shall be established as discussed above.

Please establish the impervious area, recalculate phosphorus removal, and provide additional BMP as necessary.

In site plan submission, a detail BMP computation must be provided. Furthermore, every effort shall be made to provide BMP more than that of minimum necessary.

Onsite Major Storm Drainage System and Overland Relief

Applicant needs show that no buildings will be flooded with a 100-year design flow, even if the minor system should fail due to blocking. Applicant needs to provide an overland relief narrative and arrows showing runoff flow path of the 100-year storm event. Cross-sections at key locations including the building entrances must be shown on the site plan submission.

Downstream Drainage System

The outfall narrative has been provided but the adequacy of the system is not the part of the statement. But, the outfall narrative and analysis shall be updated after the existing impervious area is established as discussed above.

Drainage Diversion

During the development, the natural drainage divide shall be honored. If natural drainage divides cannot be honored, a drainage diversion justification narrative must be provided. The increase and decrease in discharge rates, volumes, and durations of concentrated and non-concentrated Stormwater runoff leaving a development site due to the diverted flow shall not have an adverse impact (e.g., soil erosion; sedimentation; yard, dwelling, building, or private structure flooding; duration of ponding water; inadequate overland relief) on adjacent or downstream properties. (PFM 6-0202.2A)

Stormwater Planning Comments

This case is located in Cameron Run Watershed. There is a watershed management plans near the subject site (CA9827, and CA9828). Please visit http://www.fairfaxcounty.gov/dpwes/watersheds/publications/cr/01_ca_wmp_full_ada.pdf for more details.

Dam Breach

None of this property is within the dam breach inundation zone.

Mary Ann Tsai; Staff Coordinator
Special Exception Plat #SE 2013-LE-005, Franconia Shell
LDS Project # xxxx-ZONA-001-1
Page 3 of 3

Stormwater Management Proffers

Comments on the draft proffers will be provided separately once we receive the draft proffers.

These comments are based on the 2011 version of the Public Facilities Manual (PFM). A new Stormwater ordinance and updates to the PFM's Stormwater requirements are being developed as a result of changes to state code (see 4VAC50-60 adopted May 24, 2011). The site plan for this application may be required to conform to the updated PFM and the new ordinance.

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

TD/

cc: Fred Rose, Chief, Watershed Planning & Assessment Branch, Stormwater Planning
Division, DPWES
Don Demetrius, Chief, Watershed Evaluation Branch, SPD, DPWES
Clinton Abernathy, Acting Chief, South Branch, SDID, DPWES
Zoning Application File



ZONING ORDINANCE PROVISIONS

9-006 General Standards (Special Exceptions)

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

7-608 Use Limitations (Highway Corridor Overlay District)

All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and, in addition, drive-in financial institutions, fast food restaurants, quick-

service food stores, service stations and service station/mini-marts shall be subject to the following use limitations:

A. In any Highway Corridor Overlay District:

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

B. Such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means may be given favorable consideration:

- 1) Access to the site is provided by a public street other than one intended to carry through traffic, and/or
- 2) Access to the site is provided via the internal circulation of a shopping center, which center contains at least six (6) other commercial uses, or an office complex having a limited number of well-designed access points to the public street system and no additional direct access is provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, and/or
- 3) Access to the site is provided by a functional service drive, which provides controlled access to the site.

C. 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.

3. Where the underlying district is C-5 or C-6, in addition to Par. 1 above:

A. 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.

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		