



APPLICATION ACCEPTED: December 20, 2013
PLANNING COMMISSION: April 24, 2014 @ 8:15 p.m.
BOARD OF SUPERVISORS: April 29, 2014 @ 3:30 p.m.

County of Fairfax, Virginia

April 9, 2014

CRD

STAFF REPORT

SPECIAL EXCEPTION AMENDMENT

APPLICATION SEA 97-M-075-02

MASON DISTRICT

APPLICANT: Mubarak Corporation

ZONING: C-8, SC, HC, CRD

PARCEL(S): 51-3 ((1)) 33 and 34

AREA: 24,520 square feet (sf)

SPECIAL EXCEPTION CATEGORY: Category 6: Service Station/
Quick-Service Food Store in Highway
Commercial Overlay District

PLAN MAP: Alternative Uses

PROPOSAL: To re-classify use from service station/mini-mart to
service station/quick-service food store and minor
revisions to parking layout and conditions.

STAFF RECOMMENDATIONS:

Staff recommends that SEA 97-M-075-02 be approved subject to the development conditions contained in Appendix 1.

Michael H. Lynskey

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



Staff recommends that the following waivers be approved:

- Re-affirmation of a previously-approved waiver of the service drive requirement along the Route 7 frontage.
- Re-affirmation of a previously-approved waiver of the open-space requirement (per Sect. 9-612).
- Modification of the minimum off-street parking requirements in a Commercial Revitalization District to allow a 20 percent reduction in required spaces.

It should be noted that it is not the intent of staff to recommend that the Board, in imposing any conditions, 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 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.

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:\mlynsk\Mubarak SEA 97-M-075-02\Draft Staff Report\SEA 97-M-075-02_SR Cover.doc



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).

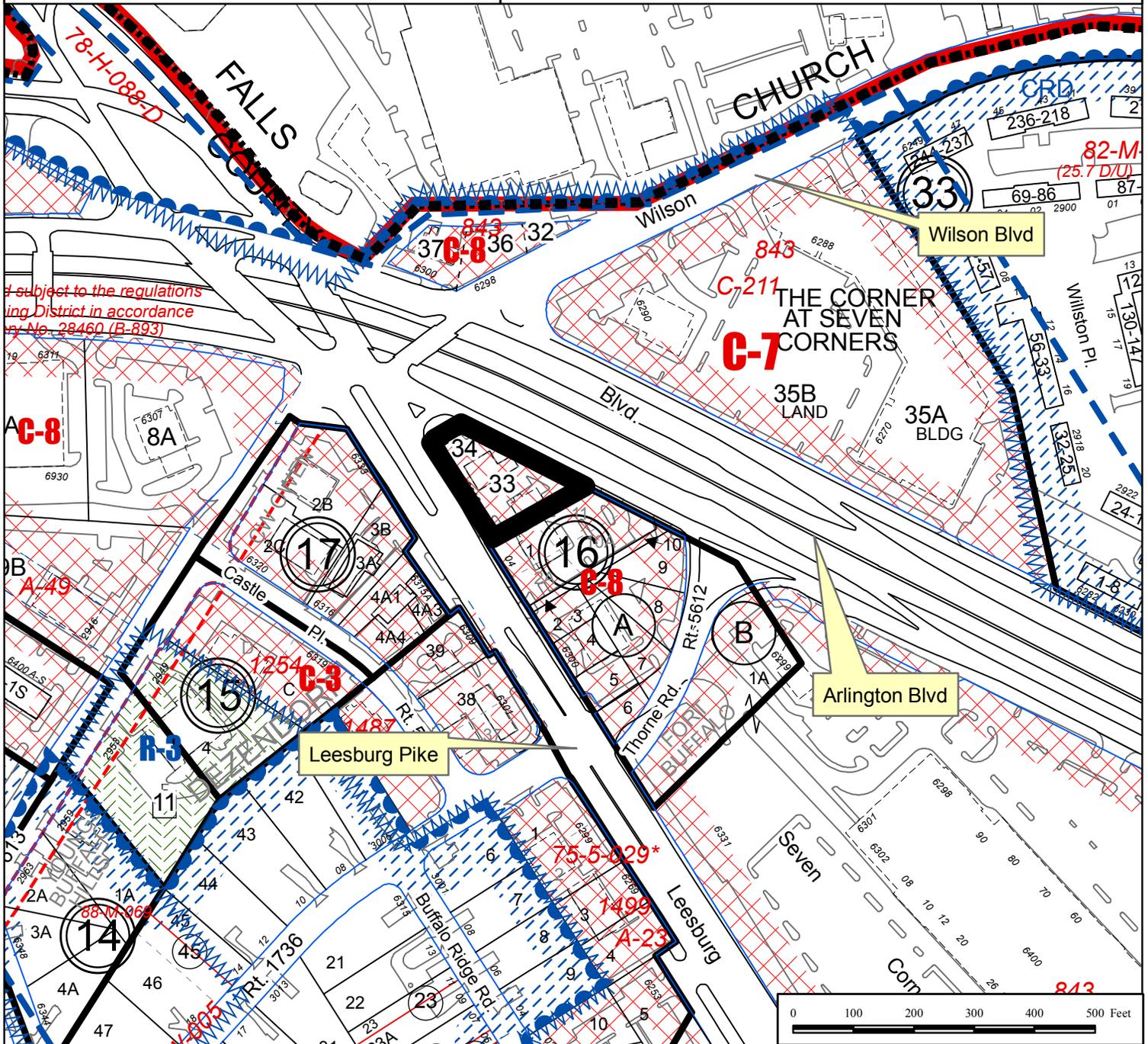
Special Exception Amendment

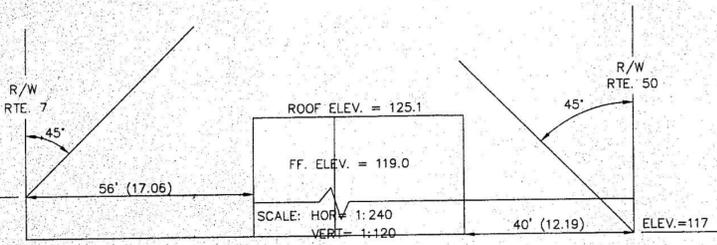
SEA 97-M-075-02



Applicant: MUBARAK CORPORATION
Accepted: 12/20/2013
Proposed: AMEND SE 97-M-075 PREVIOUSLY APPROVED FOR SERVICE STATION AND MINI-MART TO PERMIT A CHANGE OF USE TO SERVICE STATION AND QUICK SERVICE FOOD STORE

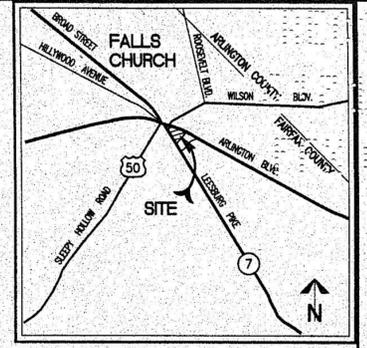
Area: 24520 SF OF LAND; DISTRICT - MASON
Zoning Dist Sect: 04-080404-0804
Art 9 Group and Use: 5-20 5-21
Located: 6318 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22044
Zoning: C-8
Plan Area: 1,
Overlay Dist: CRD SC HC
Map Ref Num: 051-3- /01/ /0033 /01/ /0034





BULK ANGLE DEPICTION

EXISTING CONTOURS
PROPOSED CONTOURS



VICINITY MAP SCALE: 1:24000

FAIRFAX COUNTY
OFFICE OF COMPREHENSIVE PLANNING
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 800
Fairfax, Virginia 22035-5506
February 26, 1998

Tracy Steele Sclappi
2200 Clarendon Boulevard
11th Floor
Arlington, VA 22201-3159

RE: 6318 Leesburg Pike
Tax Map Ref: 51-3 (1) 33 and 34
Zoning Districts: C-8, H-C and SC

Dear Ms. Sclappi:

This is in response to your letter dated February 4, 1998 to Jane Gwin in which you requested if the two referenced lots were combined by a special exception application whether they would be considered a single corner lot.

It is my understanding that your client owns Lot 34 and Lot 33 is under different ownership but is a lease by your client. Special Exception Application SE 97-M-075 for a service station/mini-mart has been filed for Lot 33 and is currently scheduled for a Planning Commission public hearing in April. If Lot 34 was incorporated into the special exception application, the special exception lot was deemed a corner lot and the eastern boundary was deemed a rear lot line, a minimum rear yard would be required along the eastern boundary. However, if the eastern boundary of Lot 33 was deemed a side lot line, no minimum side yard would be required along the eastern boundary of Lot 33. It is further my understanding that this determination will impact the site's design particularly given that the site has frontage along both Route 50 and Route 7 and minimum required front yards must be maintained along both roads.

Article 20 of the Zoning Ordinance defines a lot, in part, as a parcel of land that is designated at the time of special exception application as a tract of land which is to be developed as a unit under single ownership and defines a corner lot as a lot at the junction of 2 or more intersecting streets when the interior angle of intersection does not exceed 135 degrees; provided, however, that when one of the intersecting streets is an interstate highway, the resultant lot shall not be deemed a corner lot. You state in your letter that Route 50 is deemed an interstate highway; therefore, you contend that Lot 34 is not a corner lot based on the corner lot definition. It is also your contention that if Lots 33 and 34 were combined in a special exception the resultant land area would not be considered a special exception lot because the two parcels are under different ownership. Given your assumptions, it is your belief that the eastern lot line of Lot 33 would be deemed a side lot line if both Lots 33 and 34 were incorporated in the special exception application.

I have coordinated with the Office of Transportation and they have confirmed that Route 50 is not an interstate highway at this location. Therefore, Lot 34 by definition is deemed a corner lot. Further, if Lots 33 and 34 were combined in a special exception the two lots would be developed as a single unit and the concurrence of both property owners must be obtained. Therefore, if Lots 33 and 34 were combined by a special exception, they would be considered a single corner lot for Zoning Ordinance purposes. However, based on a review of this combined property, it has been determined that the eastern boundary of Lot 33 would be a side lot line. This determination has been reviewed and approved by the Zoning Administrator.

I trust this responds to your request. Should you require additional assistance do not hesitate to contact me at (703) 324-1314.

Sincerely,
Lorrie Kist
Lorrie Kist
Senior Assistant to the Zoning Administrator

LK

cc: Penelope A. Grant, Supervisor
Mason District
Eileen M. McLane, Deputy Zoning Administrator
for Ordinance Administration Branch
Michael R. Congleton, Deputy Zoning Administrator
for Zoning Permit Review Branch
Brian Davis, Staff Coordinator
Zoning Evaluation Division

I concur with the determination presented in this letter.

Jane V. Dorman
Zoning Administrator

THIS DRAWING IS FOR INFORMATION ONLY
AND IS SEALED PER FAIRFAX CO. REQUIREMENTS.
I DO NOT CERTIFY TO ITS ACCURACY OR
CONTENT.



SITE COMPLIANCE WITH ZONING REQUIREMENTS

DESCRIPTION	REQUIREMENT	PROVIDED	COMPLIANCE
TOTAL AREA - PARCELS 33 & 34 (INCLUDES AREA AREA PREVIOUSLY DEDICATED FOR PUBLIC STREET & OPEN SPACE - D.B. 7525 PG. 1331)	25,454 SF (2364.75 SQ.M)	18,112 SF (1682.66 SQ.M)	
NET-SITE AREA:	24,520 SF (2277.98 SQ.M)	18,112 SF (1682.66 SQ.M)	
GROSS FLOOR AREA:	1692 SF (150.8 SQ.M)	1692 SF (150.8 SQ.M)	
FAR:	0.064	0.064	
PARKING REQUIRED @ 6.5 SPACES/92.9 SQ.M	11	11	
PARKING PROVIDED:	15	11	
OPEN SPACE PROVIDED:	5095 SF (473.3 SQ.M)	2330 SF (216.5 SQ.M)	
MINIMUM YARD REQUIREMENTS			
FRONT - RT. 50	40 FT (12.19)	40 FT (12.19)	
FRONT - RT. 7	40 FT (12.19)	40 FT (12.19)	
SIDE** REAR	N/A	N/A	
YARD DIMENSIONS PROVIDED			
FRONT - RT. 50	40 FT (12.19)	40 FT (12.19)	
FRONT - RT. 7	62 FT (18.89)	40 FT (12.19)	
SIDE REAR	0	0	
	N/A	N/A	

DATE	BY	DESCRIPTION
10/21/97	MCM	ENGLISH UNITS ADDED
3/10/98	MCM	CHANGE TO MINI MART
4/6/98	MCM	REVISION PER CLIENT COMMENTS
4/22/98	MCM	REVISION BLDG. SIZE AND PARKING
5/1/98	MCM	COMMENTS APPEND

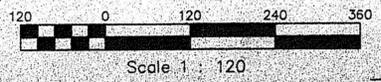


DESIGNED: MCM
DRAWN: JGA/BM/SEL
CHECKED: TM
SCALE: 1:120
DATE: SEPT. 1997
JOB NO.: 297009

MUBARAK CORP.
D.B. - 10022
PG. 822
ZONED C-8
VACANT
TM 53-3-01-34

ZONED C-8
TM 51-3-01-33
WALD ASSOC.
D.B. - 9809
PG. 0143
VACANT

RT. 7 - LEESBURG PIKE
(WIDTH VARIES)



** - THE SIDE YARD SET BACK REQUIREMENT FOR THE EASTERN COMMON PROPERTY LINE, AS DETERMINED BY THE ZONING ADMINISTRATOR, SHALL NOT BE AFFECTED BY THE DEDICATION OF RIGHT-OF-WAY, WHICH SHALL OCCUR IF THE CONDITIONS PRECEDENT TO SUCH DEDICATION ARE MET AS ENUMERATED IN THE DEVELOPMENT CONDITIONS.

GENERAL NOTES

1. T.M. NO: 51-3-01-33
 2. ZONING: C-8
 3. USE: SERVICE STATION & MINI MART
 4. SITE IS SERVED BY PUBLIC WATER AND SEWER
 5. TOPOGRAPHY IS FROM FIELD SURVEY, 0.6 M CONTOURS
 6. WAIVERS REQUIRED:
- MINIMUM LOT AREA:
- MINIMUM OPEN SPACE (AFTER DEDICATION)
 7. THERE ARE NO STRUCTURES EXISTING ON THIS SITE
 8. THE ENTIRE SITE WILL BE CLEARED.
 9. THERE IS NO FLOODPLAIN ON THE SITE OR RESOURCE PROTECTION AREA
 10. THERE ARE NO UTILITY EASEMENTS GREATER THAN 7.62M IN WIDTH LOCATED ON THIS SITE.
 11. TO THE BEST OF MY KNOWLEDGE, THERE ARE NO GRAVE SITES ON THIS PROPERTY
 12. STORMWATER MANAGEMENT WILL BE PROVIDED ON-SITE OR A WAIVER OBTAINED
 13. NO PARKING LOT PLANTING OR PERIPHERAL PLANTING REQUIRED PER FAIRFAX COUNTY ZONING ORDINANCE AS PARKING LOT CONTAINS LESS THAN 20 SPACES AND TRANSITIONAL SCREENING IS NOT REQUIRED (20, 13-106 & 13-107)
 14. THERE IS NO TRAIL SHOWN ON THIS SITE.
- * SITE LIGHTS: 16' POLE WITH 2-1000 W METAL HALIDE LAMPS

**PLAT FOR SPECIAL EXCEPTION
SERVICE STATION & MINI MART
SEVEN CORNERS
MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

APPLICATION DESCRIPTION

This application is a request to amend SEA 97-M-075 to re-classify an existing service station/mini-mart use to a service station/quick-service food store use, in order to permit the sale of alcoholic beverages and prepared food. No physical site modifications or improvements are proposed, although three parking spaces depicted on the previous SE Plat would be re-designated as a loading area. The hours of operation would remain 24 per day, seven days per week, with a maximum of five employees on site at any given time.



Figure 1: Site photo.

LOCATION AND CHARACTER:

The C-8 property is located in the southeast quadrant of the intersection of Arlington Boulevard (Rt. 50) and Leesburg Pike (Rt. 7), and forms one of the “Seven Corners” that the area is named for. The project is also in the Seven Corners Commercial

Revitalization District (CRD), and subject to both Highway Corridor (HC) and Sign Control (SC) overlay districts.

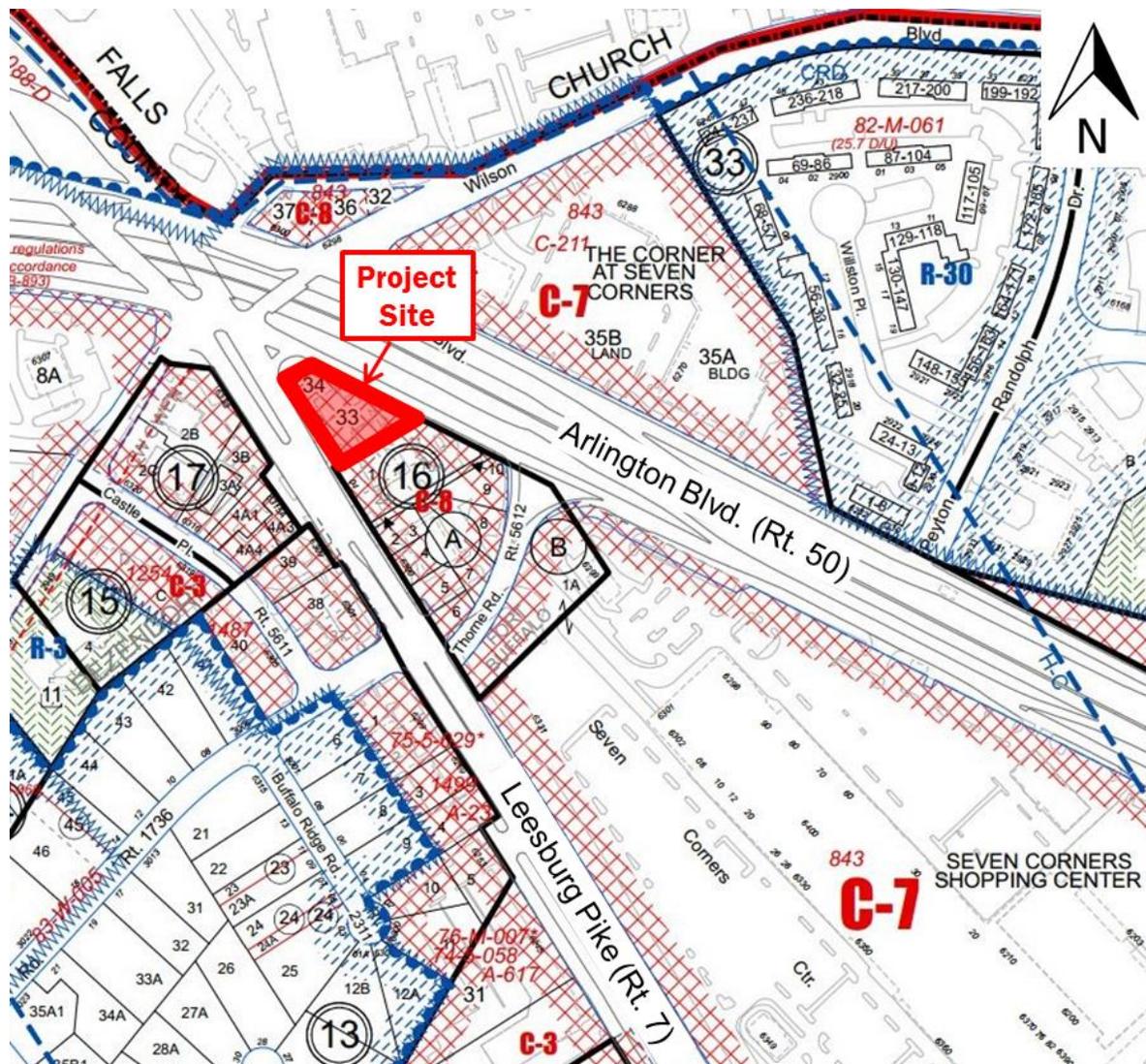


Figure 2: County zoning map.

The property features an existing service station/mini-mart (Euomarket), housed in a 1,624 sf building, with a separate canopy and five fuel dispensers. There are currently 14 parking spaces serving the use (15 were specified on the approved SE Plat). There are two access points to Route 50 and one to Route 7, as well as interparcel access along each street frontage to the neighboring parcel to the southeast (Sunflower Vegetarian restaurant). Across Arlington Blvd., to the north, is a retail shopping center, while individual miscellaneous commercial uses exist across Leesburg Pike, to the southwest.



Figure 3: Adjacent uses - map.

	Existing Zoning:	Existing Use:	Plan Recommendation:
Northeast:	C-7	Shopping center (Corner at Seven Corners)	Community-Serving Retail
Southeast:	C-8	Restaurant (Sunflower Vegetarian)	Neighborhood-Serving Retail or Office
West	C-8	Strip Retail	Community-Serving Retail or Office

Figure 4: Adjacent uses - chart.

DESCRIPTION OF PLAT:

Special Exception Plat (SE Plat):	(Consists of one sheet - copy at front of staff report)
Title of SE Plat:	“Plat for Special Exception, Service Station & Mini Mart.”
Prepared by:	The Tech Group, Inc.
Original and Revision Dates:	September 1997, as revised through May 4, 1998

Overview:

Since there are no proposed site modifications, the previously-approved plat associated with SE 97-M-075, and utilized for SEA 97-M-075, continues to be referenced as the record SE Plat for the site, subject to additional development conditions.

ZONING BACKGROUND

- June 8, 1998 – SE 97-M-075 - Permitted construction of the current service station/mini-mart use. The building was constructed in 2001.
- March 23, 2010 – SEA 97-M-075 – Amended the approved development conditions to address a sign violation.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

Plan Area:	I
Planning District:	Bailey’s
Planning Sector:	Seven Corners Community Business Center (CBC), Sub-Unit B-1
Plan Map:	Alternative Uses

Plan Text:

“This sub-unit is located immediately adjacent to the Seven Corners intersection and is visually prominent as a gateway to Fairfax County. The area is planned for neighborhood-serving retail or office use up to .35 FAR. As an option, land within this sub-unit may be considered for retail and office mixed use up to .50 FAR if a

full consolidation of parcels is achieved. Drive-through facilities and automobile-oriented commercial uses having high trip generation potential are discouraged within this sub-unit.”

LAND-USE ANALYSIS:

Since the current use was originally approved in 1998, the property has been included in the Seven Corners Commercial Revitalization District and the Plan text has been revised to discourage “automobile-oriented commercial uses having high trip generation potential”. Although the proposed use would meet the description of an automobile-oriented commercial use, the proposed re-designation from service station/mini-mart to service station/quick-service food store would not significantly modify or intensify the current use of the site. Staff does not object to the proposed change in use designation.

TRANSPORTATION ANALYSIS (Appendix 9):

At the time of the initial Special Exception for the service station/mini-mart use, a condition was included to require future right-of-way dedication for a Route 7 improvement project that had been authorized at the time, as delineated on the SE 97-M-075 Plat. That project, however, was subsequently removed from the State’s construction program and was never implemented.

Transportation studies are currently underway to develop a new improvement strategy for the Seven Corners interchange, which may affect this site in the future. While a specific plan has not currently been approved or funded that would warrant a requirement for right-of-way dedication on the application site, the applicant should be advised that such a dedication might be required with any future redevelopment or intensification of the site, at such time as a specific transportation plan is in place.

ZONING ORDINANCE PROVISIONS (Appendix 6)

The parcel under application is zoned C-8, with Highway Corridor, Sign Control, and Commercial Revitalization District overlays. Per Zoning Ordinance Section 4-804, both the quick-service food store and service station uses are permissible by Special Exception (SE) in the C-8 district. Section 7-607 of the Ordinance would also permit the proposed uses by Special Exception in the Highway Corridor Overlay District, while Section 9-622 would permit the proposed uses in a Commercial Revitalization District.

C-8 Lot Requirements (Sect. 4-800)		
Standard	Required	Provided
Min. Lot Area	40,000 sq. ft.	24,520 sq. ft.*
Min. Lot Width	200 ft.	Rt. 7: 208ft. Rt. 50: 247ft.
Max. Building Height	50 ft.	20 ft.
Front Yard	20 ft.	Rt. 7: 57ft. Rt. 50: 40ft.
Maximum FAR	0.50	0.07
Open Space	15%	21%
Parking Spaces	9 spaces (<i>with 20% CRD reduction</i>)	Parking: 11 spaces

Figure 5: Zoning Ordinance provisions.

* Minimum lot size and dimensions waived for existing nonconforming lots, and due to dedications to a public agency, per Section 2-405 of the Zoning Ordinance.

WAIVERS AND MODIFICATIONS REQUESTED:

- Re-affirmation of a previously-approved waiver of the service drive requirement along the Route 7 frontage.
- Re-affirmation of a previously-approved waiver of the open-space requirement (per Sect. 9-612).
- Modification of the minimum off-street parking requirements in a Commercial Revitalization District to allow a 20-percent reduction in in required spaces.

A waiver of the service drive requirement along the Route 7 frontage was previously granted because the site maintains interparcel access to the adjacent property to the east, and because future plans for Route 7 in this area do not include service drives. A waiver of the minimum open-space requirement, in accordance with Sect. 9-612 of the Ordinance, was also previously granted in order to facilitate redevelopment of the site. The modification request of the minimum parking requirements is discussed in the following section of the report. Staff supports the requested waivers and modifications.

PARKING STANDARDS (Sect 11-104.5)

The Zoning Ordinance requires a minimum of 11 parking spaces for the proposed development (6.5 spaces per 1000 square feet of gross floor area). The previous SE Plat specified 15 parking spaces on the site, in anticipation that a significant portion of the periphery of the parcel would be dedicated as public right-of-way at the time of construction of a Route 7 improvement project, mentioned previously. That dedication would have eliminated the four parking spaces closest to the intersection, still leaving the required 11 spaces on site. The Route 7 improvement project has not been constructed, although there are various options still being considered for improvement of the corridor, and of the Seven Corners interchange.

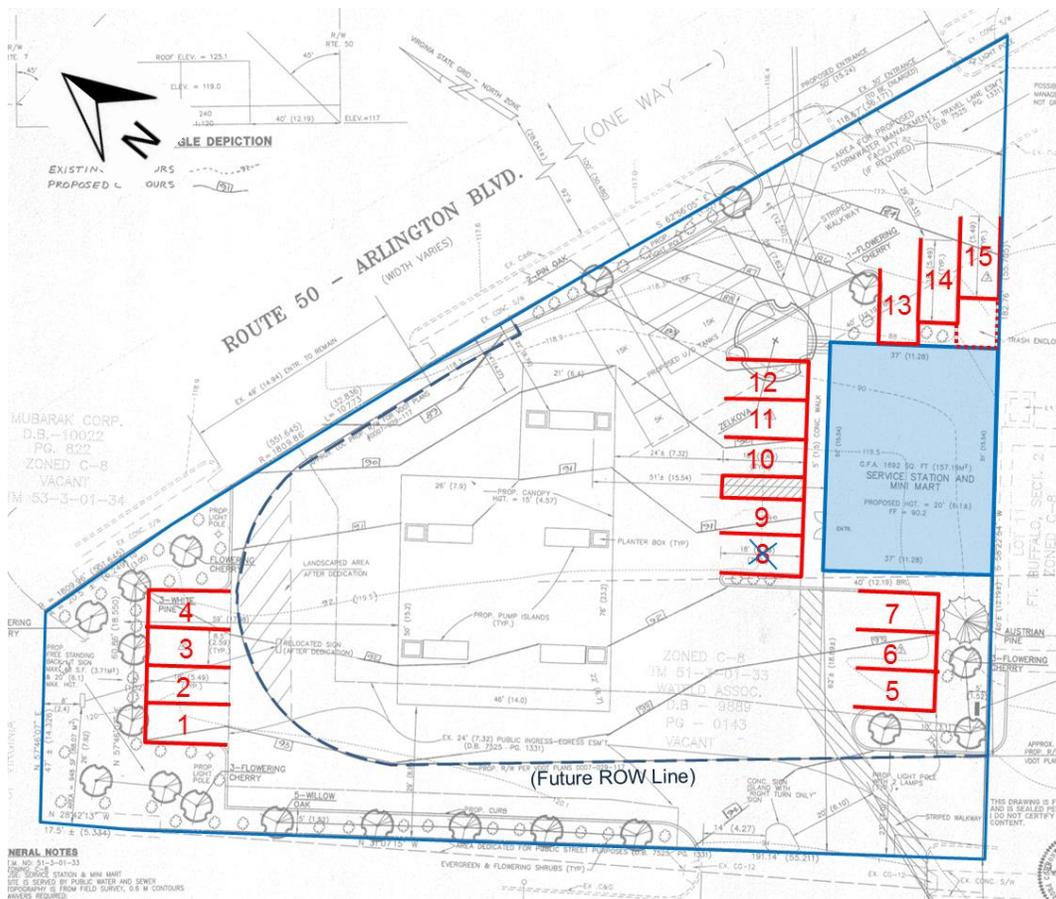


Figure 6: Previously-approved parking layout – per SE Plat.

Currently there are only 14 parking spaces on site, rather than 15, due to an inconsistency in the striping of the spaces directly in front of the building entrance. Three of the spaces shown on the SE Plat are located on the northeast side of the building, adjacent to the trash enclosure, and have never been adequately striped

or utilized for parking. The current proposal would re-designate those three spaces as a loading area, still leaving the minimum required 11 spaces on site.

Staff has no issue with the re-designation of the three parking spaces to a loading area at the present, though there is concern that such a re-designation could result in a possible parking deficit if four spaces are later taken by a future road improvement project. There is, however, a 20-percent reduction to the minimum off-street parking requirements available to properties in a Commercial Revitalization District, if the Board determines that such a reduction is in furtherance of the goals of the CRD. That reduction, if granted, would result in a minimum requirement of only 9 spaces, rather than 11, which would help mitigate the potential issue.

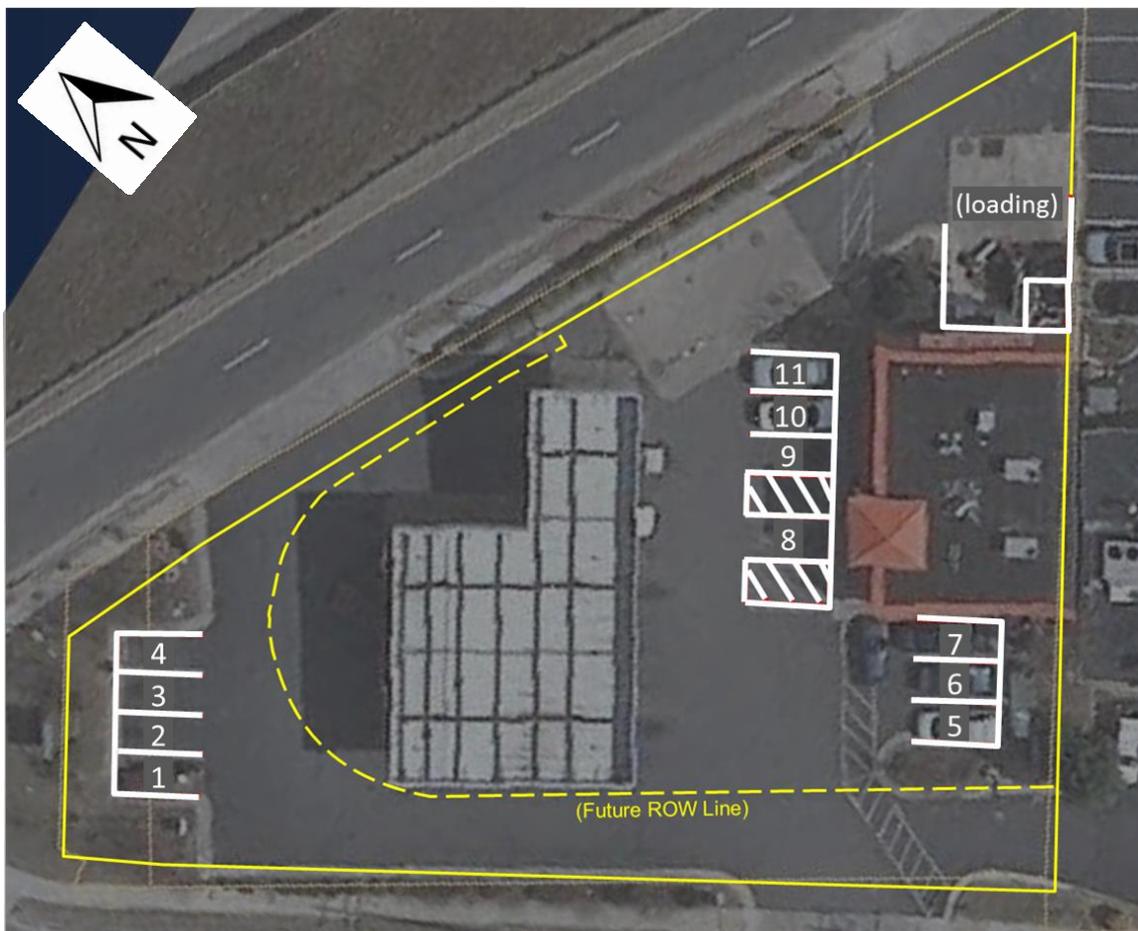


Figure 5: Proposed parking layout.

Staff supports the modification request to allow a 20-percent CRD parking reduction, and proposes a development condition to require the applicant to

re-claim the loading area as parking spaces, if needed in the future to maintain the minimum number of parking spaces on-site.

Signage Requirements (Sect. 12-203 and 12-205)

No new signage is proposed with the current application, and all previously-permitted signs will be allowed to remain.

Existing Site Violations (Appendix 8)

Staff observed several apparent zoning violations during site visits, including illegal temporary signs affixed to light poles and covering more than the allowed window area of the building, outdoor display of goods blocking the building entrance and accessible pathway, the brick sign base of a relocated sign that had not been properly removed, and a severely damaged light pole. A condition is proposed that would require those existing site issues to be addressed prior to the receipt of the non-residential use permit for the quick-service food store use.

In addition, the facility appears to have been serving prepared food items that exceeded the limitations of the existing service station/mini-mart use regulations. The proposed change to a service station and quick-service food store designation would permit such sale of prepared food items, subject to County and State codes for food-service establishments.

General Special Exception Standards (Sect. 9-006)

All Special Exception uses are subject to eight general standards, requiring the proposal to be in harmony with the Comprehensive Plan, with the intent of the zoning district regulations, and with the existing and future development of surrounding properties, among other requirements. This application would continue to satisfy the General Special Exception Standards.

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

Section 9-505 specifies additional standards for the proposed uses, to further ensure compatibility with surrounding properties. The proposed amendment would not substantially alter the intensity or layout of the site, and staff considers the Additional Standards for Automobile-Oriented Uses met.

Provisions for Approving Quick-Service Food Stores and Service Stations in a Highway Corridor Overlay District (Sect. 9-611)

The proposed uses would also be subject to Sect. 9-611 of the Ordinance, which simply requires that the provisions of Part 6 of Article 7 (below) be met.

Use Limitations in a Highway Corridor Overlay District (Sect. 7-608)

The proposed uses are also subject to additional limitations, when located in a Highway Corridor Overlay District. Sect. 7-608 of the Ordinance includes limitations designed to ensure that pedestrian and vehicular circulation is coordinated with adjacent properties, and that such uses must not impede traffic on public streets.

The existing service station/mini-mart does utilize several access points onto major arterial roadways, which is not ideal, though the site layout also includes two interparcel access points to the adjoining property, mitigating the issue and providing for future coordinated development of the parcels. While the current proposed change in use designation does not warrant such a site modification, the applicant shall be advised that future redevelopment of the site would likely be subject to a condition that at least one of the access points onto Route 50 be eliminated. Currently, staff feels that the Sect. 7-608 use limitations have been met.

CONCLUSIONS AND RECOMMENDATIONS**Staff Conclusions**

The proposed Special Exception Amendment represents a minor change in use designation, and would not substantially alter the current operation or facilities of the existing business. Similarly, the proposed re-designation of several parking spaces to a loading area would not negatively affect the functionality of the site. Staff finds that, subject to the proposed development conditions, the proposed Special Exception amendment would remain in conformance with the Comprehensive Plan and with applicable Zoning Ordinance provisions.

Recommendations

Staff recommends approval of SEA 97-M-075-02, subject to the proposed development conditions contained in Appendix 1.

Staff also recommends approval of the following waivers and modifications:

- Re-affirmation of a previously-approved waiver of the service drive requirement along the Route 7 frontage.
- Re-affirmation of a previously-approved waiver of the open-space requirement (per Sect. 9-612).
- Modification of the minimum off-street parking requirements in a Commercial Revitalization District to allow a 20-percent reduction in in required spaces.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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. Special Exception Affidavit
3. Statement of Justification
4. SEA 97-M-075 Approval
5. DPZ - Comprehensive Plan Review
6. Zoning Ordinance Provisions
7. OCR – Office of Community Revitalization Memo
8. DPZ – Site Inspections Memo
9. FCDOT – Transportation Memo
10. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS**SEA 97-M-075-02****April 9, 2014**

If it is the intent of the Board of Supervisors to approve SEA 97-M-075-02, located at 6318 Leesburg Pike, Tax Parcels 51-3((1))-33 and 34, for a service station and quick-service food store, pursuant to Sect. 4-804, 7-607 and 9-601 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These conditions supersede all previous conditions on the property. Previous conditions carried forward, or with only minor modifications, are marked with an asterisk (*).

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land. *
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. *
3. A copy of this Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous place 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.
4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in conformance with the approved Special Exception Plat entitled "Plat for Special Exception. Service Station and Mini-Mart. Seven Corners", consisting of one page, prepared by The Tech Group, Inc., which is dated September 1997, as revised through May 4, 1998, and as modified by these conditions.
5. Notwithstanding any notations on the Special Exception Plat, SEA 97-M-075-02 hereby authorizes the service station and quick-service food store uses, rather than the previous service station/mini-mart use.
6. Prior to the receipt of a non-RUP for the quick-service food store use, the applicant shall:
 - A. Remove the remaining portions of the relocated sign adjacent to Route 7, as per Condition 11.

- B. Remove all nonconforming temporary signs or displays, per Condition 12.
- C. Remove any outdoor storage or display of goods in excess of Ordinance requirements and relocate the remaining storage or display to be clear of any required entrance, sidewalk or accessible path, as per Condition 13.
- D. Remove the one pin oak tree along the Route 7 frontage that has been damaged beyond recovery, and replace with a two-inch caliper willow oak or black gum tree.
- E. Repair or replace the damaged “acorn” light fixture adjacent to the retaining wall, along the Route 50 frontage.

7. The three parking spaces depicted on the Special Exception Plat along the northeast side of the building, adjacent to the trash enclosure, may be utilized as a loading area rather than parking spaces, as long as the minimum number of required parking spaces are accounted for on the site. At such time as any right-of-way dedication, or other site modification, might reduce the number of total parking spaces on the site, these three parking spaces shall be restored, if needed to ensure that the minimum parking requirement is met.

3.8. All four sides of the building shall have the same architectural façade treatments. In order to provide compatibility with the existing shopping center to the east, the building design shall include brick work in neutral earth tones. The building design may be enhanced with red awnings similar to those on the existing shopping center on Tax Map 51-3 ((1)) 29. *

4.9. All faces of the canopy shall be surfaced with a non-reflective surface to minimize the visual impact of the canopy. A maximum of two signs on the canopy are permitted, with a combined maximum size-sign area of approximately three feet by three feet each 9.13 square feet, and may be internally illuminated. The canopy fascia may be downlit, so long as such lighting is in conformance with the standards of Article 14 and Article 12 of the Zoning Ordinance. *

5.10. One monument sign of a size not to exceed 40 square feet in area and 11.5 feet in height may be provided in the location indicated on the Special Exception Plat at the northern portion of the property. The sign shall be placed on a brick foundation of a material and color consistent with the illustration in Attachment 1 of these conditions. The base of the foundation shall may be modified to create a planter of sufficient size to support evergreen shrubs and seasonal plantings, as determined appropriate by UFM. Such planter may be constructed on the side of the sign facing the street only, or on both sides of the sign, at the applicant’s discretion. Also at the applicant’s discretion, the brick pillars on the sides of the sign support may be extended to be level with the top of the sign panels, and/or the area between the

sign panel and the base may be left open or filled with brick matching the base. A white and red color scheme consistent with the signage in the existing shopping center to the east of the subject property should be provided if possible. *

~~6~~-11. In accordance with Section 10-4.1-2 of the Zoning Ordinance, a second sign providing price information may be installed either along the eastern property line as indicated on the Special Exception Plat, or along the Route 7 frontage in the location shown on Attachment 2 of these conditions. Irrespective of the 20-foot maximum height indicated on the Special Exception Plan, the second sign shall be of a height no greater than 8 feet and shall not include any information other than gasoline prices. Only one of the described locations shall be utilized, and if an existing sign is relocated to an alternate location, any remaining portion or evidence of the previous sign shall be removed from the site. There shall be no other freestanding signs permitted on the site. *

12. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on the site. No promotional signage shall be permitted on any light poles. Temporary signage affixed or visible through windows shall be subject to the limitations of Sect. 12-103, Par. 3K, of the Zoning Ordinance and shall not cover more than thirty (30) percent of the total window area. This shall not preclude ~~the display of~~ seasonal decorations and displays in accordance with Sect. 12-103 ~~of the Zoning Ordinance.~~

~~7~~-13. Exterior storage and display of goods is limited to fifty (50) square feet, per the Zoning Ordinance definition of a service station use, and shall not be located as to block any required entrance, sidewalk or accessible path.

~~8~~-14. All exterior lighting, including signage, canopy lighting, security, pedestrian and/or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance. *

~~9~~-15. Landscaping shall be provided in accordance with the Special Exception Plat and enhanced to provide a variety of plant materials and seasonal display as determined by the Urban Forest Management Branch (DPWES) prior to any site plan approval. An alternate landscaping plan shall also be submitted with ~~the any~~ site plan which provides a variety of shade trees, plant material and seasonal display to replace that landscaping which ~~will~~ may be lost as a result of future right-of-way dedication along Route 7. The general area to be covered by the alternate landscaping plan shall include the area to the north of the pump islands and south of the dedication line, as depicted on the Special Exception Plat, provided that adequate travel aisles are provided. This alternate landscaping plan shall be implemented within 60 days of

completion of ~~the any~~ Route 7 road improvement project. In addition, planters shall be placed adjacent to the pump islands as depicted on the Special Exception Plat. .*

~~10-16. Decorative sidewalks in accordance with the Bailey's Crossroads Streetscape Plan, to include rose-colored concrete unit pavers, shall be installed along the Route 50 frontage to the point of the dedication line shown on the Special Exception Plat for the VDOT Route 7 project, subject to VDOT approval. The existing sidewalk from that point west shall remain.~~ The applicant shall ~~also~~ construct decorative sidewalks in accordance with the Bailey's Crossroads Streetscape Plan along the Route 7 frontage at such time as the an approved Route 7 transportation ~~improvement P~~project is constructed. .*

~~11-17. No more than five (5) light poles of a height not to exceed 16 feet, as measured from the ground to the top of the fixture,~~ shall be installed on site. Each pole shall have a maximum of one (1) lighting fixture with ~~a~~ wattage not to exceed the glare standards provided for in Section 14-904 of the Zoning Ordinance. These lighting fixtures shall be directed inward and downward and otherwise shielded to avoid off-site glare. Any future replacement lights shall not exceed a height of 16 feet, as measured from the ground to the top of the fixture. In addition, the applicant shall provide acorn lights in accordance with the Bailey's Crossroads Streetscape Plan, as determined by DEM-DPWES prior to any site plan approval. The applicant or others may relocate any light poles which must be moved as a result of ~~the any~~ Route 7 improvement project without the need for a special exception amendment. .*

~~12-18. Fuel deliveries shall not occur during the peak hours defined as follows: 7:00 a.m. to 9:00 a.m., 10:00 a.m. to 2:00 p.m. and 4:00 p.m. to 7:00 p.m.~~ .*

~~13-19. The service station/mini-mart~~quick-service food store may operate seven days a week, 24 hours per day. The total number of employees shall not exceed five (5) on site at any one time. .*

~~14-20. In the event that DPWES does not waive the stormwater management and best management practice requirements,~~ as referenced in note # 12 on the Special Exception Plat, a sand filtration system~~;~~ designed in accordance with the design construction guidelines contained in the addendum to the Northern Virginia Best Management Practices (BMP) Handbook, to the satisfaction of DPWES, or an alternative system~~,~~ as may be approved by DPWES at time of any site plan approval, shall be installed to ensure additional water quality protection. .*

21. The construction of curb and gutter and placement of landscaping within the 24' public ingress-egress easement parallel to Route 7 as indicated on the Special Exception Plat shall not be deemed as inconsistent with the limited use easement

created with the Deed of Dedication and Easement Agreement dated December 18, 1989, and recorded at Deed Book 7525 Page 1331. *

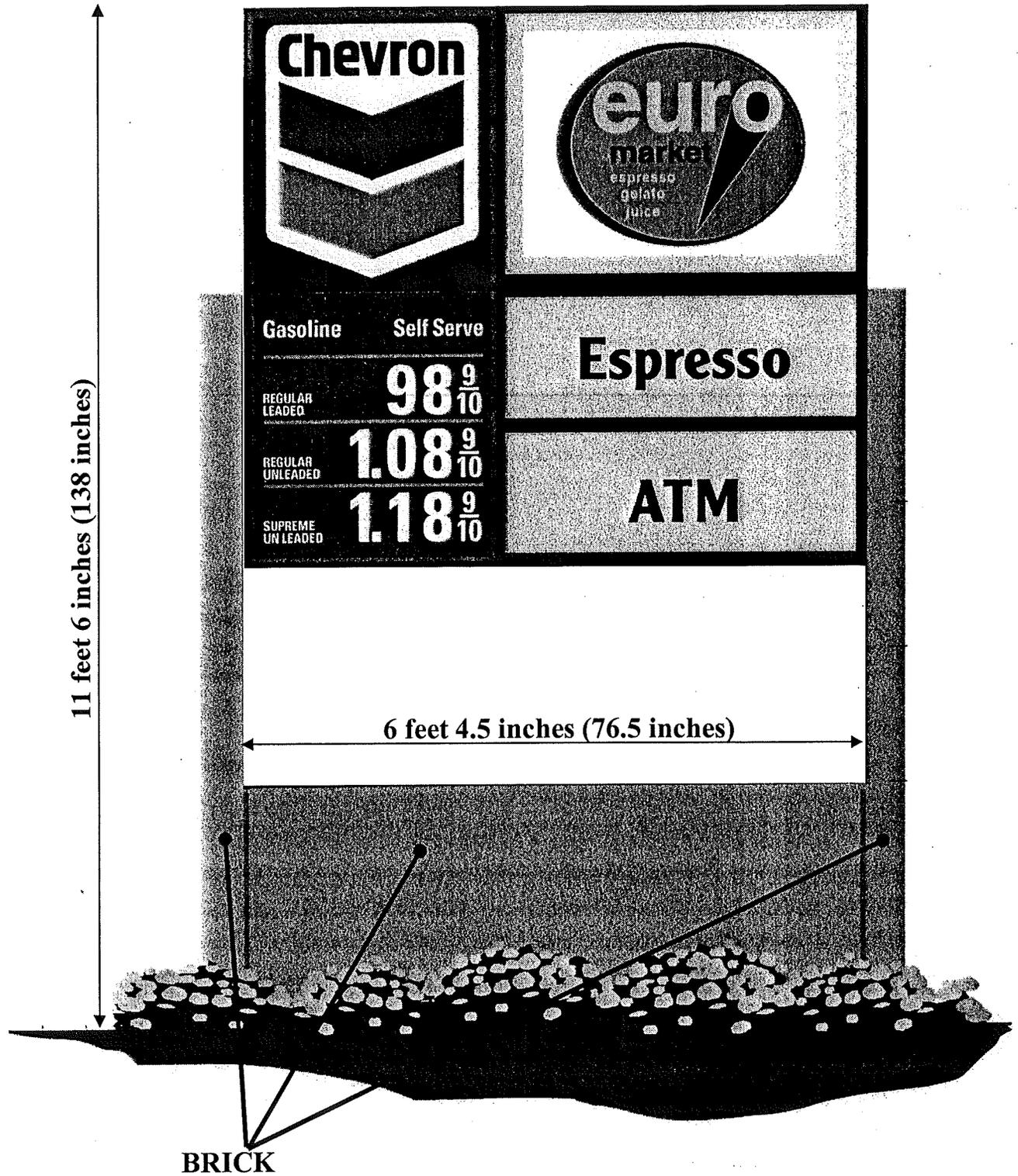
15-22. Existing interparcel access on the north and south of the site to the parcels on the east shall be maintained.

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

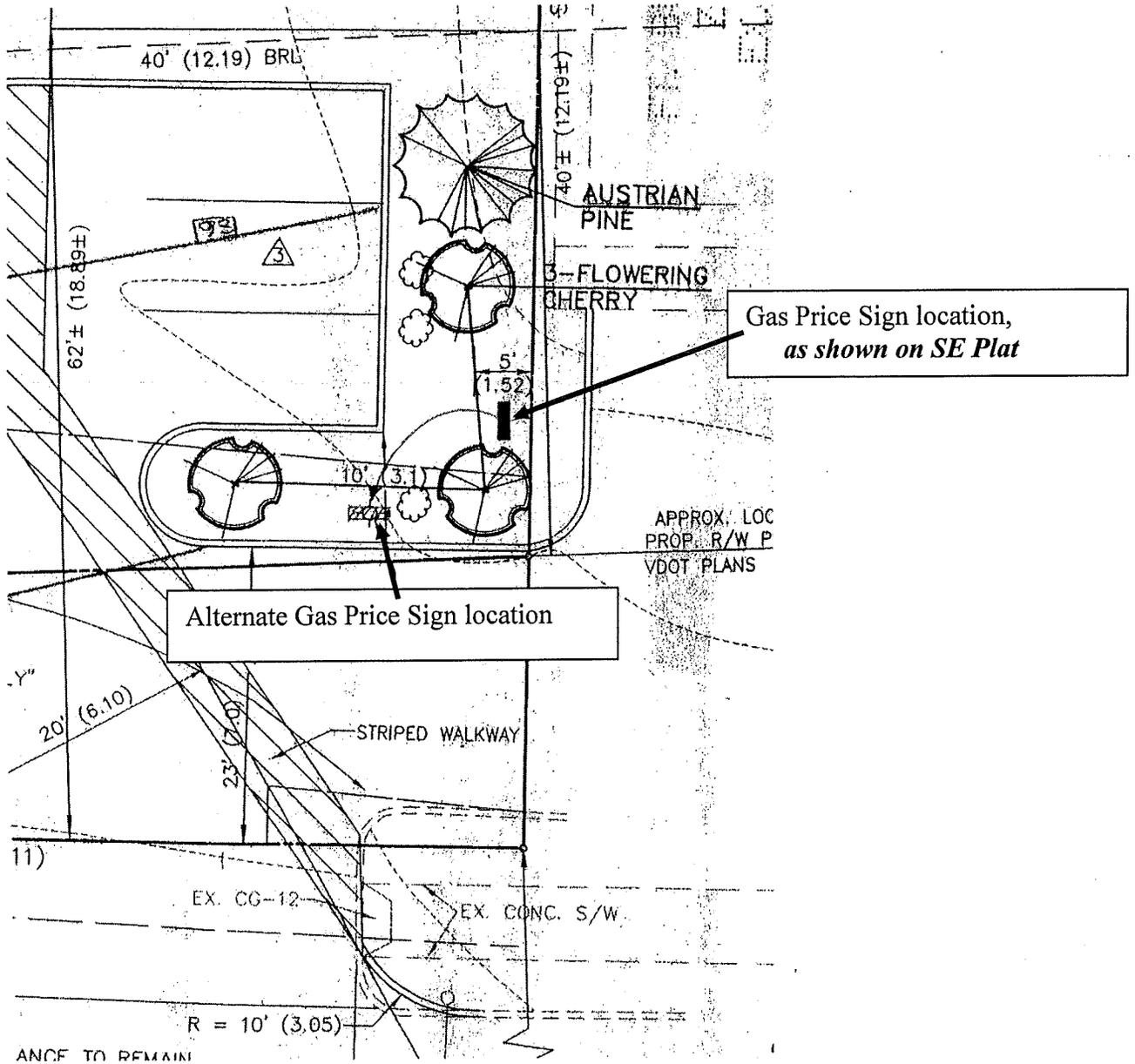
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the use. 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.

Free-standing Sign Exhibit



Alternate location for secondary, gasoline price only, sign



SPECIAL EXCEPTION AFFIDAVIT

DATE: April 10, 2014
 (enter date affidavit is notarized)

I, Sara V. Mariska, attorney/agent, do hereby state that I am an
 (enter name of applicant or authorized agent)

123869b

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): SEA 97-M-075-02
 (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)
Mubarak Corporation Agents: Anwar Somani Ahmed Patel	13608 Bare Island Drive Chantilly, VA 20151	Applicant/Title Owner of Tax Map 51-3 ((1)) 34
Route 7-50 Retail, LLC Agents: Anwar Somani Ahmed Patel	6318 Leesburg Pike Falls Church, VA 22044	Title Owner of Tax Map 51-3 ((1)) 33
The Aisling Group, LLC Agents: Luke M. Vaughn Jason T. Tipton	203 N. Patrick Street Alexandria, VA 22314	Consultant/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.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Special Exception Attachment to Par. 1(a)

DATE: April 10, 2014
(enter date affidavit is notarized)

123869b

for Application No. (s): SEA 97-M-075-02
(enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Walsh, Colucci, Lubeley & Walsh, P.C. \\ (f/k/a Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)	2200 Clarendon Boulevard Suite 1300 Arlington, Virginia 22201	Attorneys/Planners/Agent
Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Jonathan D. Puvak Andrew A. Painter Elizabeth D. Baker Inda E. Stagg Elizabeth A. Nicholson		Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 10, 2014
 (enter date affidavit is notarized)

123869D

for Application No. (s): SEA 97-M-075-02
 (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) Mubarak Corporation
 13608 Bare Island Drive
 Chantilly, VA 20151

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Anwar Somani
 Ahmed Patel
 Mohammed Ali

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: April 10, 2014

(enter date affidavit is notarized)

123869b

for Application No. (s): SEA 97-M-075-02
 (enter County-assigned application number (s))

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

Route 7-50 Retail, LLC
 6318 Leesburg Pike
 Falls Church, VA 22044

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)

Anwar Somani, Member
 Ahmed Patel, Managing Member
 Mohammed Ali, Member

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

The Aisling Group, LLC
 203 N. Patrick Street
 Alexandria, VA 22314

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)

Luke M. Vaughn
 Jason T. Tipton
 Jordan S. Karp

(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 Attachment to Par. 1(b)

DATE: April 10, 2014
(enter date affidavit is notarized)

1238696

for Application No. (s): SEA 97-M-075-02
(enter County-assigned application number (s))

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

Walsh, Colucci, Lubeley & Walsh, P.C. (f/k/a Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

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)

David J. Bomgardner, E. Andrew Burcher,	J. Randall Minchew, M. Catharine Puskar,
Thomas J. Colucci, Michael J. Coughlin,	John E. Rinaldi, Kathleen H. Smith,
Peter M. Dolan, Jr., Jay du Von, William A.	Lynne J. Strobel, Garth M. Wainman,
Fogarty, John H. Foote, H. Mark Goetzman,	Nan E. Walsh, Martin D. Walsh,
Bryan H. Guidash, Michael D. Lubeley,	G. Evan Pritchard, Michael J. Kalish

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: April 10, 2014
 (enter date affidavit is notarized)

1238696

for Application No. (s): SEA 97-M-075-02
 (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)
 None

(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) 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 AFFIDAVIT

DATE: April 10, 2014
(enter date affidavit is notarized)

1238696

for Application No. (s): SEA 97-M-075-02
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

None

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SEA 97-M-075-02
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: April 10, 2014
(enter date affidavit is notarized)

1238696

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.)

Within the past 12 months, Luke M. Vaughn of The Aisling Group, LLC, a consultant/agent listed in Sections 1(a) and 1(b) of this affidavit, provided political consultant services to Chairman Sharon Bulova.

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

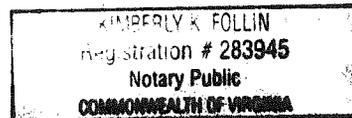
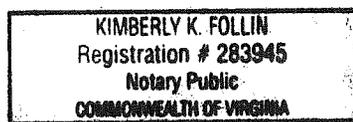
(check one) Sara V. Mariska
 Applicant Applicant's Authorized Agent

Sara V. Mariska, attorney/agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 10 day of April, 2014, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015





WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

Sara V. Mariska
(703) 528-4700 Ext. 5419
smariska@arl.thelandlawyers.com

November 5, 2013

RECEIVED
Department of Planning & Zoning

NOV 05 2013

Zoning Evaluation Division

Via Hand Delivery

Barbara Berlin, Director
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Proposed Special Exception Amendment
Applicant: Mubarak Corporation

Dear Ms. Berlin:

Please accept this letter as a statement of justification for a special exception amendment application on property identified among the Fairfax County tax map records as 51-3 ((1)) 33 and 34 (the "Subject Property").

The Subject Property is located southeast of the intersection of Arlington Boulevard (Route 50) and Leesburg Pike (Route 7) at one of the "corners" in the Seven Corners area in the Mason Magisterial District. The Subject Property contains approximately 24,520 square feet, is zoned to the C-8, Highway Corridor Overlay (HC), Sign Control Overlay (SC), and Commercial Revitalization (CRD) Districts, and is developed with a service station and mini-mart. The Subject Property has been the subject of several prior land use approvals granted by the Fairfax County Board of Supervisors (the "Board"). On June 8, 1998 the Board approved SE 97-M-075 to establish the current uses on the Subject Property. Most recently, the Board approved special exception amendment SEA 97-M-075 on March 23, 2010 to permit modifications to site design and development conditions. The Applicant now proposes a special exception amendment to convert the existing mini-mart use to a quick service food store use.

The Applicant proposes to convert the existing mini-mart to a quick service food store to allow a wider variety of product offerings and services. As gasoline prices have risen, profits have not risen in tandem with the price increases. Consequently, the Applicant seeks the ability to sell a wider variety of products and prepare food to diversify its offerings, remain economically viable as a small business, and better serve customer demand. The Applicant proposes no additional gross square footage or building construction with this application. The proposal does not modify the location of the service station canopy or modify the five (5)

existing fuel dispensers. Existing points of site access on Leesburg Pike and Arlington Boulevard will also remain unchanged.

Notwithstanding what is shown on the previous approved special exception plat, the Applicant proposes a total of twelve (12) parking spaces with this application. A quick service food store comprised of 1,624 square feet requires a total of eleven (11) parking spaces. The approved plat currently shows a total of fifteen (15) parking spaces, in excess of Zoning Ordinance requirements. The Applicant proposes to discontinue use of three (3) parking spaces to the north of the store. These three (3) spaces are well-suited to exclusively accommodate trash and loading functions. Additionally, three (3) additional spaces are not required under the Zoning Ordinance. Dedicating this area to trash and loading will limit conflicting movements in this area and ensure safe circulation patterns.

The Applicant requests reaffirmation of the previously approved waiver of open space that was approved in 1998 and reaffirmed in 2010. The Applicant proposes no physical modifications to the site, no decrease in open space, and no changes to approved and existing landscaping. The Applicant further requests reaffirmation of the previously approved waiver of the service drive requirement along the Leesburg Pike frontage. As noted in both 1998 and 2010, the waiver has been granted due to the fact that the Subject Property maintains interparcel access with the property to the east and the future plans for Leesburg Pike do not include service drives.

The Subject Property is located within Area I of the Fairfax County Comprehensive Plan (the "Plan"). More specifically, the Subject Property is located within the Baileys Planning District, within the Seven Corners Community Business Center, within Sub-Unit B-1. The sub-unit is planned for neighborhood-serving retail or office use up to 0.35 FAR. The Plan map designates the Subject Property as appropriate for Alternative Uses. Given that the Applicant proposes a neighborhood-serving retail use at less than a 0.35 FAR, the Applicant's proposal is in conformance with the Plan language.

In accordance with Section 9-011 of the Fairfax County Zoning Ordinance (the "Ordinance") please accept the following information:

- The type of operation proposed is a service station with a quick service food store.
- Hours of operation:

The service station and quick service food store will be open twenty-four hours a day, seven days a week.
- The estimated number of patrons is approximately 1,000 persons per day.
- The estimated number of employees is a maximum of five (5) on site at any one time.

- The proposed use will generate approximately 2,000 trips per day.
- The general area to be served by the use is the Seven Corners area.
- The proposed use proposes no changes to existing conditions. The Subject Property is currently developed with approximately 1,624 square feet of gross floor area. The building is constructed with glass, EIFS, and brick.
- Petroleum products, as defined in Title 40, Code of Federal Regulations, are the only known hazardous or toxics substances to be utilized and stored on the Subject Property.
- The proposed use conforms to the provision of all applicable ordinances, regulations, adopted standards and conditions except as modified herein.

In sum, the Applicant simply proposes a change in use to ensure the continued success of the existing service station. The change in use from a mini-mart to a quick service food store will require no physical site modifications and will allow the Applicant the ability to prepare food and diversify its offerings to better accommodate customer demand and remain competitive.

Should you have any questions regarding this proposal, or require additional information, please do not hesitate to contact me. I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Planning Commission and Board at your earliest convenience.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.


Sara V. Mariska

SVM/kae
Enclosures

cc: Jason Tipton
Luke Vaughn



County of Fairfax, Virginia

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

March 24, 2010

John H. Thillmann
2700 South Nelson Street
Arlington, VA 22206

Re: Special Exception Amendment Application SEA 97-M-075

Dear Mr. Thillmann:

At a regular meeting of the Board of Supervisors held on March 23, 2010, the Board approved Special Exception Amendment Application SEA 97-M-075 in the name of Mubarak Corporation, trading as Euromarket Chevron and Route 7-50 Retail, LLC. The subject property is located at 6318 Leesburg Pike on approximately 24,520 square feet of land zoned C-8, CRD, HC and SC in the Mason District [Tax Map 51-3 ((1)) 33 and 34]. The Board's action amends Special Exception Application SE 97-M-075, previously approved for a service station mini mart in a highway corridor overlay district, to permit modifications to site design and development conditions and waiver of open space requirement pursuant to Sections 7-607 and 9-612 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals are marked with an asterisk (*):

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land. *
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

3. Prior to site plan approval, the applicant shall demonstrate to DPWES that the proposed site development will be compatible with the future geometrics and elevations of Route 7 per the approved Route 7 improvement plans to the satisfaction of the Fairfax County Department of Transportation and Virginia Department of Transportation (VDOT). Adjustments may be made to ensure such compatibility, provided that the adjustments are in substantial conformance with the Special Exception Plat. A Special Exception Amendment for the site shall be required if the proposed development is determined not to be compatible with the geometrics and elevations of the Route 7 improvement plan under the provisions of this condition. *
4. The width of the western entrance on the Route 50 service drive shall be limited to the existing width of approximately 50 feet. The eastern entrance on the Route 50 service drive shall be limited to a maximum width of approximately 35 feet at the property line and 40 feet at the curb line of the service drive. Subject to VDOT approval, the eastern side of this entrance shall have a curb return radius of 10 feet in order to facilitate exiting tanker trucks. *
5. The proposed concrete island depicted on the Special Exception Plat in the Route 7 access point shall be removed. The maximum width on this entrance shall be reduced to 40 feet at the property line. *
6. All four sides of the building shall have the same architectural facade treatments. In order to provide compatibility with the existing shopping center to the east, the building design shall include brick work in neutral earth tones. The building design may be enhanced with red awnings similar to those on the existing shopping center on Tax Map 51-3 ((1)) 29. *
7. All faces of the canopy shall be surfaced with a non-reflective surface to minimize the visual impact of the canopy. A maximum of two signs on the canopy, with a maximum size of approximately three feet by three feet each, may be internally illuminated. The canopy fascia may be downlit, so long as such lighting is in conformance with the standards of Article 14.
8. One monument sign of a size not to exceed 40 square feet in area and 11.5 feet in height may be provided in the location indicated on the Special Exception Plat at the northern portion of the property. The sign shall be placed on a brick foundation of a material and color consistent with the service station/mini-mart building, and shall be generally consistent with the illustration in Attachment 1 of these conditions. The base of the foundation shall be modified to create a planter of sufficient size to support evergreen shrubs and seasonal plantings, as determined appropriate by UFM. Such planter may be constructed on the side of the sign facing the street only, or on both sides of the sign, at the applicant's discretion. Also

at the applicant's discretion, the brick pillars on the sides of the sign support may be extended to be level with the top of the sign panels, and/or the area between the sign panel and the base may be left open or filled with brick matching the base. A white and red color scheme consistent with the signage in the existing shopping center to the east of the subject property should be provided if possible.

9. In accordance with Section 10-4.1-2 of the Zoning Ordinance, a second sign providing price information may be installed along the eastern property line as indicated on the Special Exception Plat, or along the Route 7 frontage in the location shown in Attachment 2 of these conditions. Irrespective of the height indicated on the Special Exception Plat, the second sign shall be of a height no greater than 8 feet and shall not include any information other than gasoline prices. There shall be no other freestanding signs permitted on site. *
10. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on site. No promotional signage shall be permitted on any light poles. This shall not preclude the display of seasonal decorations and displays in accordance with Sect. 12-103 of the Zoning Ordinance.
11. All exterior lighting, including signage, canopy lighting, security, pedestrian and/or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
12. Landscaping shall be provided in accordance with the Special Exception Plat and enhanced to provide a variety of plant materials and seasonal display as determined by the Urban Forest Management Branch (DPWES) prior to site plan approval. An alternate landscaping plan shall also be submitted with the site plan which provides a variety of shade trees, plant material and seasonal display to replace that landscaping which will be lost as a result of future right-of-way dedication along Route 7. The general area to be covered by the alternate landscaping plan shall include the area to the north of the pump islands and south of the dedication line, as depicted on the Special Exception Plat, provided that adequate travel aisles are provided. This alternate landscaping plan shall be implemented within 60 days of completion of the Route 7 road improvement project. In addition, planters shall be placed adjacent to the pump islands as depicted on the Special Exception Plat. *
13. Decorative sidewalks in accordance with the Bailey's Crossroads Streetscape Plan, to include rose-colored concrete unit pavers, shall be installed along the Route 50 frontage to the point of the dedication line shown on the Special Exception Plat for the VDOT Route 7 project, subject to VDOT approval. The existing sidewalk from that point west shall remain. The applicant shall also construct decorative sidewalks in accordance with

the Bailey's Crossroads Streetscape Plan along the Route 7 frontage at such time as the Route 7 Improvement Project is constructed. *

14. No more than five (5) light poles of a height not to exceed 16 feet, as measured from the ground to the top of the fixture, shall be installed on site. Each pole shall have a maximum of one (1) lighting fixture with a wattage not to exceed the glare standards provided for in Section 14-904 of the Zoning Ordinance. These lighting fixtures shall be directed inward and downward and otherwise shielded to avoid off-site glare. In addition, the applicant shall provide acorn lights in accordance with the Bailey's Crossroads Streetscape Plan, as determined by DEM prior to site plan approval. The applicant or others may relocate any light poles which must be moved as a result of the Route 7 improvement project without the need for a special exception amendment. *
15. Fuel deliveries shall not occur during the peak hours defined as follows: 7:00 a.m. to 9:00 a.m., 10:00 a.m. to 2:00 p.m. and 4:00 p.m. to 7:00 p.m. *
16. The service station/mini-mart may operate seven days a week, 24 hours per day. The total number of employees shall not exceed five (5) on site at any one time.
17. In the event that DPWES does not waive the stormwater management and best management practice requirements as referenced in note # 12 on the Special Exception Plat, a sand filtration system, designed in accordance with the design construction guidelines contained in the addendum to the Northern Virginia Best Management Practices (BMP) Handbook, to the satisfaction of DPWES, or an alternative system as may be approved by DPWES at time of site plan approval, shall be installed to ensure additional water quality protection. *
18. The construction of curb and gutter and placement of landscaping within the 24' public ingress-egress easement parallel to Route 7 as indicated on the Special Exception Plat shall not be deemed as inconsistent with the limited use easement created with the Deed of Dedication and Easement Agreement dated December 18, 1989, and recorded at Deed Book 7525 Page 1331.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of

SEA 97-M-075
March 24, 2010

5

approval unless, at a minimum, 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.

The Board also:

- Reaffirmed the previously approved waiver of the service drive along Route 7.

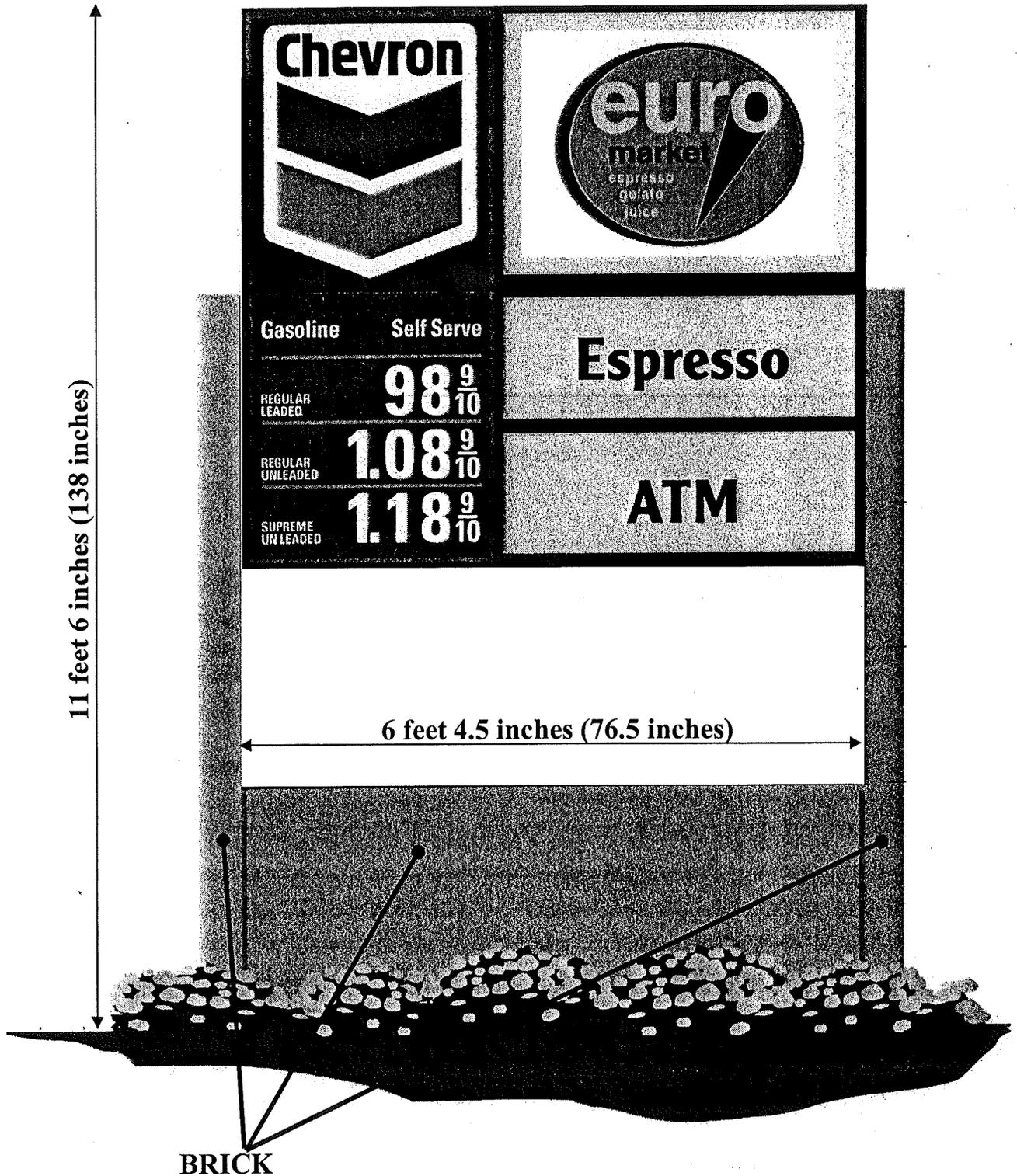
Sincerely,



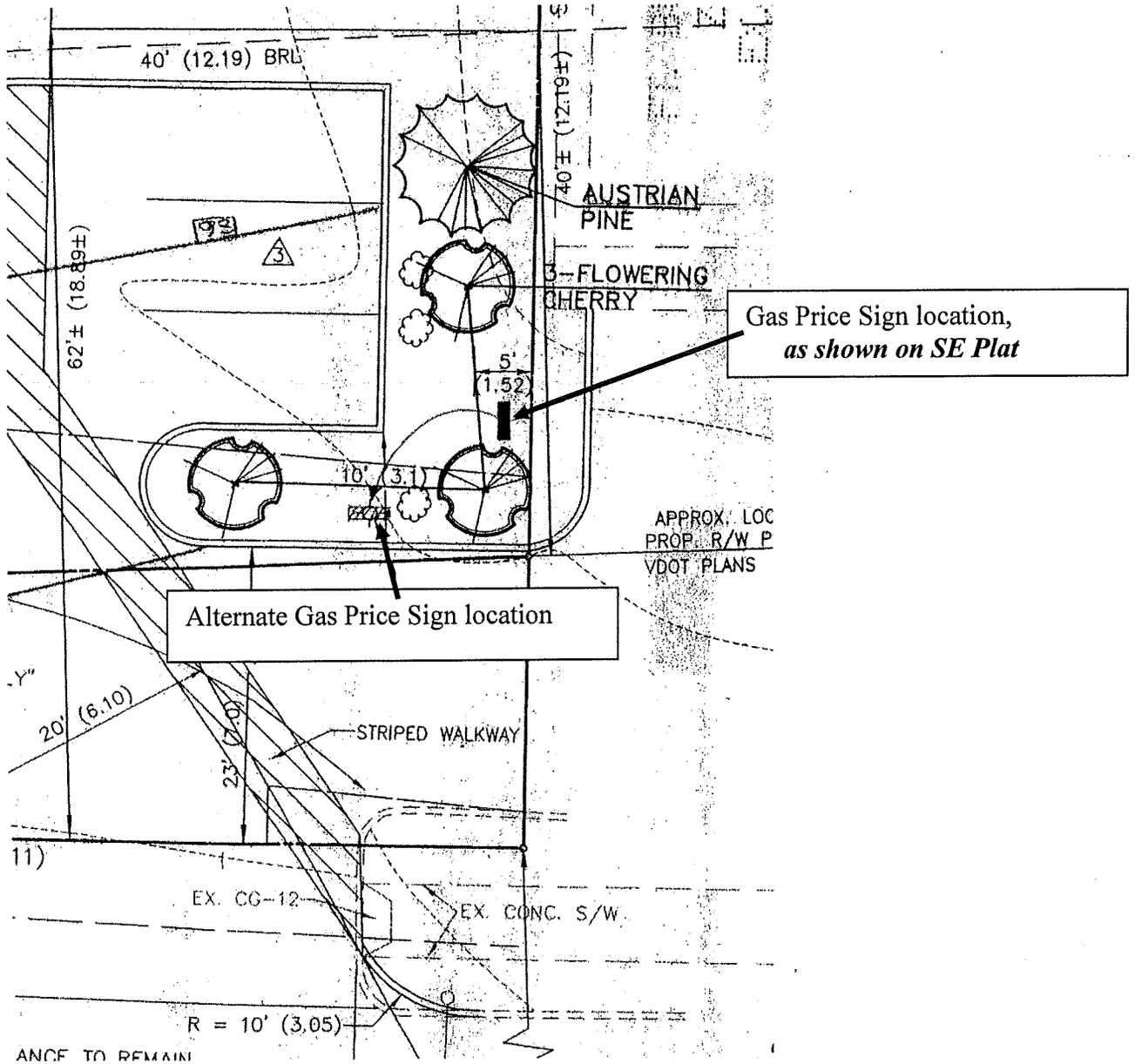
Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

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

Free-standing Sign Exhibit



Alternate location for secondary, gasoline price only, sign



DPZ Land-Use/Comprehensive Plan Review

Case #: SEA 97-M-075-02
Mubarak Corporation

DPZ Reviewer: Bernard Suchicital

Proposal: Allow for a previously approved service station and mini-mart to permit a change of use to service station and quick service food store.

Comp Plan Map: Alternative Uses
Tax Map: 51-3 ((1)) 33, 34

Comp Plan Location: Fairfax County Comprehensive Plan, 2013 Edition, Area I Volume, Baileys Planning District, as amended through April 9, 2013, Seven Corners Community Business Center, Recommendations, Page 122.

Comp Plan Text:

“Sub-Unit B-1

This sub-unit is located immediately adjacent to the Seven Corners intersection and is visually prominent as a gateway to Fairfax County. The area is planned for neighborhood-serving retail or office use up to .35 FAR. As an option, land within this sub-unit may be considered for retail and office mixed use up to .50 FAR if a full consolidation of parcels is achieved.

Drive-through facilities and automobile-oriented commercial uses having high trip generation potential are discouraged within this sub-unit.”

Selected applicable Zoning Ordinance Provisions from the Fairfax County Zoning Ordinance, dated February 11, 2014. For the full, unabridged, ordinances please visit the website of the Fairfax County Planning and Zoning Department or view a copy in person at the Fairfax County Planning and Zoning office.

ARTICLE 4 – COMMERCIAL DISTRICT REGULATIONS

PART 8 4-800 C-8 HIGHWAY COMMERCIAL DISTRICT (*excerpts*)

4-804 Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:
 - P. Quick-service food stores
 - R. Service stations

ARTICLE 7 – OVERLAY AND COMMERCIAL REVITALIZATION DISTRICT REGULATIONS

PART 6 7-600 HIGHWAY CORRIDOR OVERLAY DISTRICT

7-601 Purpose and Intent

In furtherance of the purposes set forth in Sections 15.2-2200, 15.2-2283, 15.2-2284 and 15.2-1200 of Va. Code Ann. and, 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 by the imposition of the Highway Corridor Overlay District. Except as allowed by right or except as qualified by Sections 607 and 608 below, the following uses shall be regulated in the Highway Corridor Overlay District:

1. Drive-in financial institutions.
2. Fast food restaurants.
3. Quick-service food stores.
4. Service stations.
5. Service station/mini-marts.

Nothing herein shall be construed so as to impair a vested right.

7-607 Special Exception Uses

1. All uses permitted by special exception in the underlying zoning district(s) except as qualified by Sect. 601 above.
2. Except as permitted by right pursuant to Sections 4-502, 4-602, 4-702, 4-802, 4-902 and 10-202, drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts subject to the provisions of Part 6 of Article 9 and Sect. 608 below.

7-608 Use Limitations (*excerpts*)

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:

1. 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.

4. Where the underlying district is C-7, C-8, C-9, I-3 or I-4, 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 four (4) such vehicles on site at any one time.

ARTICLE 9 – SPECIAL EXCEPTIONS

PART 0 9-000 GENERAL PROVISIONS *(excerpt)*

9-006 General Standards

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.

PART 5 9-500 CATEGORY 5 COMMERCIAL AND INDUSTRIAL USES OF SPECIAL IMPACT (*excerpts*)**9-505 Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts**

1. In all districts where permitted by special exception:

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

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

C. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

D. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.

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

4. In the C-7, C-8 and C-9 Districts, in addition to Par. 1 above:

A. In the C-7 or C-9 District, 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.

B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than four (4) such vehicles on site at any one time.

C. The outdoor area devoted to any use such as vehicle or tool rental shall be limited to the area so designated on an approved special exception plat.

PART 6 9-601 CATEGORY 6 SPECIAL EXCEPTION USES (*excerpts*)**9-611 Provisions for Approving Drive-In Financial Institutions, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Station/Mini-Marts in a Highway Corridor Overlay District**

The Board may approve a special exception for the establishment or for the enlargement, extension, relocation or increase in intensity of a drive-in financial institution, fast food restaurant, quick-service food store, service station or service station/mini-mart in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.

9-612 Provisions for Waiving Open Space Requirements

Except for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, the Board may approve, either in conjunction with the approval of appropriate proffered conditions or as a special exception, the waiving of the open space requirement presented for a given zoning district and/or the open space requirement for cluster subdivisions in the R-C, R-E and R-1 Districts and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, set forth in Par. 4 of Sect. 2-309, but only in accordance with the following provisions:

1. Such waiver may be approved only if it will further the intent of the Ordinance, and the intent and implementation of the adopted comprehensive plan and other adopted policies.
2. Such waiver may be approved only if it is established that the resultant development will be harmonious with adjacent development.
3. Such a waiver may be approved only if the provisions of Article 13 are satisfied.



County of Fairfax, Virginia

MEMORANDUM

DATE: March 20, 2014

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

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

SUBJECT: OCR Comments
SEA 97-M-075-02 Mubarak Corporation

The Office of Community Revitalization (OCR) has reviewed the above referenced Special Exception Application (SEA) marked as "Received" by the Planning and Zoning Department on November 5, 2013. The subject property is located at 6318 Leesburg Pike, Falls Church, Virginia within the Seven Corners Commercial Revitalization District (CRD).

The applicant is seeking to amend SE-96-M-075 previously approved for service station and mini-mart to permit a change of use to service station and quick service food, in order to both sell alcoholic beverages and to serve prepared food. No site modifications or improvements are proposed; however, the applicant seeks to re-designate three (3) existing parking spaces north of the store to a loading area.

The OCR has reviewed the SEA and has no objections to the proposed change of use, and does not object to the re-designation of the three (3) parking spaces to a loading area permitted that the residual eleven (11) spaces satisfy the Zoning Ordinance parking requirements.

CC: Michael Lynskey, DPZ/ZED
Bridget F. Hill, OCR
OCR File



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



County of Fairfax, Virginia

MEMORANDUM

DATE: March 28, 2014

TO: Michael Lynskey, Staff Coordinator
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

FROM: Dawn Curry
Senior Zoning Inspector
Zoning Inspections Branch

SUBJECT: Special Exception Amendment 97-M-075-02
Mubarak Corporation at Seven Corners (Euro Mart)
6318 Leesburg Pike
Tax Map Ref.: 51-3 ((1)) 33 & 34
Zoning District: C-8
Overlay Districts: HC, SC & CRD

REFERENCE: Mail Log Assignment: 2014-0042

Inspection/review of this application for Mubarak Corporation (Euro Mart) at Seven Corners at 6318 Leesburg Pike Falls Church, Virginia is completed. The proposal, as I understand it, is to re-classify an existing service station/mini mart to service station & quick service food store uses, in order to both sell alcoholic beverages and to serve prepared food.

- Inspection revealed the existing service station/quick mart has excessive signage in the windows and promotional signs (Virginia Lottery & Marlboro) were also present, see attached photos. This is in violation of the Development Conditions of the existing SEA 97-M-075, per item #12 - Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on site. No promotional signage shall be permitted on any light poles. This shall not preclude the display of seasonal decorations and displays in accordance with Sect. 12-103 of the Zoning Ordinance

Contact me at (703) 324-4286 if you have questions or need clarification.



County of Fairfax, Virginia

MEMORANDUM

DATE: April 14, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Michael A. Davis, Acting Chief
Site Analysis Section, DOT *JEH for MAD*

FILE: 3-5(SE 97-M-075)

SUBJECT: SEA 97-M-075-02; Mubarak Corporation
Tax Map: 51-3 ((1)) 33 and 34

This department has reviewed the SEA application and the plat revised through May 4, 1998. We have the following comments.

The application property is located in the immediate Seven Corners interchange area within the Seven Corners Community Business Center (CBC), on Land Sub-unit B-1. The Comprehensive Plan states that one of the planning objectives for future development in the Seven Corners CBC is to "foster future transportation improvements that positively affect planned redevelopment or revitalization activities, and encourage the design of such activities to accommodate these improvements."

Specific transportation recommendations have been developed to guide development within the Seven Corners CBC. These recommendations/guidelines include:

- Curb cuts should be minimized through consolidation of street access and provision of interparcel access to improve access management;
- Development or redevelopment of areas adjacent to future interchange improvements should recognize the needs to reorient access in a manner consistent with the future design of the interchange. Specifically, private entrances should be located as far from the interchange as possible, recognizing that vehicular stacking and weaving problems are created when entrances are located in proximity to ramps and intersections.
 - These access design recommendations will affect land use in the immediate vicinity of the interchange, particularly Land Unit B-1.

On October 29, 2013, the Board of Supervisors authorized PA 2013-I-B2 for Seven Corners CBC Land Units A, B, C, and D. The Department of Transportation is undertaking a transportation study of Seven Corners CBC area to make both land use and transportation recommendations to increase overall connectivity and to develop concepts for a future Seven Corners interchange.

The applicant's site plan shows the delineation of the ROW reservation for future dedication. With approval of the original SE, a condition was provided that designated an area to be dedicated in conformance with a programmed VDOT project. This project was subsequently removed from the State's construction program. However, as discussed previously, current

Ms. Barbara Berlin, Director
April 14, 2014
Page 2 of 2

planning efforts in Seven Corners has identified interchange modifications that could affect the site. Therefore, it is recommended that the previous condition reserving ROW for dedication be added defining the limits to that shown on the SE plat.

The Comprehensive Plan also recommends that drive-through facilities and automobile-oriented commercial uses having high trip generation potentials are discouraged within Land Sub-unit B-1. FCDOT is concerned about the applicant's existing three entrances on Land Sub-unit B-1. However, since the applicant has not proposed significant site modification or improvements with the SEA application, closure of entrances will not be recommended at this time. FCDOT would like to note that future redevelopment of this site should not include automobile-oriented uses.

The applicant requests a 20-percent CRD parking reduction should the four parking spaces closest to the intersection corner are later removed by a future transportation improvement project. Staff supports the 20-percent parking reduction requested by the applicant.

Finally, staff would like to note that, in addition to three entrances, the applicant has two existing interparcel access points on the north and south of the site to the adjacent properties in Land Sub-unit B-1. However, the northern interparcel access seems to be blocked by the adjacent property's parking spaces. The applicant's loading area should not block the interparcel access. Existing interparcel access in the north and south of the site should be maintained by the applicant and adjacent property owners.

MAD/AY

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		