



County of Fairfax, Virginia

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

May 14, 2014

Sara V. Mariska
Walsh, Colucci, Lubeley and Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

RE: Special Exception Amendment Application SEA 97-M-075-02

Dear Ms. Mariska:

At a regular meeting of the Board of Supervisors on May 13, 2014, the Board approved Special Exception Amendment Application SEA 97-M-075-02 in the name of Mubarak Corporation. 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 Amendment Application SEA 97-M-075 previously approved for service station and mini-mart to permit a change of use to service station, quick service food store, parking reduction, waiver of open space requirements and associated modifications to site design and development conditions, pursuant to Sections 4-804, 7-607 and 9-601 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions. Previously approved conditions or those with 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.

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>

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.
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. *

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 sign area of 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 & Article 12 of the Zoning Ordinance.*
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 may be modified to create a planter of sufficient size to support evergreen shrubs and seasonal plantings. 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. *
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 seasonal decorations and displays in accordance with Sect. 12-103.
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.
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. *

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 any site plan which provides a variety of shade trees, plant material and seasonal display to replace that landscaping which 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 any Route 7 road improvement project. In addition, planters shall be placed adjacent to the pump islands as depicted on the Special Exception Plat. *
16. The applicant shall construct decorative sidewalks in accordance with the Bailey's Crossroads Streetscape Plan along the Route 7 frontage at such time as an approved transportation improvement project is constructed. *
17. No more than five (5) light poles shall be installed on site. Each pole shall have a maximum of one (1) lighting fixture with 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 DPWES prior to any site plan approval. The applicant or others may relocate any light poles which must be moved as a result of any Route 7 improvement project without the need for a special exception amendment. *
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. *
19. The service station/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. *
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. *

22. Existing interparcel access on the north and south of the site to the parcels on the east shall be maintained.
23. At such time as funding is available for the construction of a transportation project located along the frontage of the site, and upon request of Fairfax County, right-of-way, to an extent not exceeding that depicted on the Special Exception Plat, shall be dedicated, in fee simple, to the Board of Supervisors in accordance with the funded transportation plan.
24. All loading and unloading of deliveries shall take place completely on-site, and shall in no way block or obstruct parking areas or drive aisles of the neighboring property, or the interparcel easement areas on-site.
25. To maximize the availability of customer parking adjacent to the building, employees shall park in the four parking spaces closest to the intersection of Route 50 and Route 7, until such time as those parking spaces may be eliminated due to a right-of-way dedication.

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.

The Board also:

- Reaffirmed a previously-approved waiver of the service drive requirement along the Route 7 frontage.
- Reaffirmed a previously-approved waiver of the open-space requirement per Section 9-612.

May 14, 2014

- Modified the minimum off-street parking requirements in a Commercial Revitalization District to allow a 20 percent reduction in required spaces.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Penelope Gross, Mason District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Donald Stephens, Department of Transportation
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SEA 97-M-075-02
 (Staff will assign)

RECEIVED
 Department of Planning & Zoning

NOV 05 2013

APPLICATION FOR A SPECIAL EXCEPTION Zoning Evaluation Division
 (PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Mubarak Corporation	
	MAILING ADDRESS c/o Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. 2200 Clarendon Boulevard, Suite 1300 Arlington, Virginia 22201	
	PHONE HOME ()	WORK (703) 528-4700
	PHONE MOBILE ()	
PROPERTY INFORMATION	PROPERTY ADDRESS 6318 Leesburg Pike Falls Church, Virginia 22044	
	TAX MAP NO. 51-3 ((1)) 33 and 34	SIZE (ACRES/SQ FT) Approx. 24,520 square feet
	ZONING DISTRICT C-8, CRD, HC, SC	MAGISTERIAL DISTRICT Mason
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A	
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION 4-804, 7-607, 9-601	
	PROPOSED USE Applicant proposes to amend SE 97-M-075 to allow a change in use to allow a quick service food store.	
AGENT/CONTACT INFORMATION	NAME Sara V. Mariska	
	MAILING ADDRESS Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. 2200 Clarendon Boulevard, Suite 1300 Arlington, Virginia 22201	
	PHONE HOME ()	WORK (703) 528-4700
	PHONE MOBILE ()	
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact	
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Sara V. Mariska, Agent</p>		
TYPE/PRINT NAME OF APPLICANT/AGENT		SIGNATURE OF APPLICANT/AGENT

DO NOT WRITE IN THIS SPACE

Virginia Ruffen
SEA 2013-0321
MPC
12/20/13

Date Application accepted: December 20, 2013 Application Fee Paid: \$ 8,187.50