



County of Fairfax, Virginia

December 14, 2015

**2015 Planning
Commission**

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Hunter Mill District

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Executive Director

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Assistant Director

John W. Cooper
Clerk to the Commission

Roland G. Joun
8412 Copperleaf Court
Fairfax Station, VA 22039

**Re: SEA 87-L-012-02 – R JOUN ENTERPRISE LLC; ROLAND JOUN,
TRUSTEE & MARIA JOUN, TRUSTEE
Lee District**

Dear Mr. Joun:

At its December 10, 2015 meeting, the Planning Commission voted 11-0 (Commissioner Lawrence was absent from the meeting) to **RECOMMEND APPROVAL** of the above referenced application to the Board of Supervisors. A copy of the verbatim transcript and the proposed development conditions, dated December 9, 2015, is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Jeffrey McKay, Supervisor, Lee District
James Migliaccio, Planning Commissioner, Lee District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Michael Van Atta, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ)
Robert Harrison, ZED, DPZ
December 10, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Planning Commission Meeting
December 10, 2015
Verbatim Excerpt

SEA 87-L-012-02 – R JOUN ENTERPRISE LLC; ROLAND JOUN, TRUSTEE & MARIA JOUN, TRUSTEE

Decision Only During Commission Matters
(Public Hearing Held on December 9, 2015)

Commissioner Migliaccio: Thank you Mr. Chairman. Last night we held a public hearing on an SEA for a service station on Backlick Road in the Springfield CRD. Unlike most cases in Lee District, this application had speakers. While these speakers did not participate through the well-established Lee District community land use process, it does not discount the land use concerns they raised as a neighbor to the service station. My hope is that through the new development conditions before the Planning Commission, we are able to address many of those concerns. What we are not able to address is the sincerity of the applicant to follow through on these conditions or any past personal issues not land use related. The applicant is fully aware that his gas station is under scrutiny by his neighbor and is fully expected to live up to these development conditions. That is why the outdoor lifts, which have caused the greatest concern, are conditioned to only go in after all other development conditions listed in Phase One are implemented. Other conditions address the parking issue with new striping of spaces, signage directing customers to park onsite and not in adjacent lots, and the extra pavement on the site, will allow for a drive aisle to better circulate vehicles, provided all others are properly parked. I believe that this path forward is the best route to bring the applicant into compliance and to give all a so-called clean slate moving forward. The Lee District Land Use Advisory Committee also believes this and voted 19-0-1 to pursue this path. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 87-L-012-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 9, 2015, WITH THE FOLLOWING REVISIONS –

Chairman Murphy: Hold on a minute. Do you want to bring up the applicant?

Commissioner Migliaccio: After, Mr. Chairman, after I –

Chairman Murphy: Okay.

Commissioner Migliaccio: – read my revision; REMOVAL OF THE LAST SENTENCE IN CONDITION 12; REVISE CONDITION 13 TO STATE “THE DEVELOPMENT SHALL CONSIST OF TWO PHASES. PHASE I IMPROVEMENTS SHALL CONSIST OF THOSE IMPROVEMENTS LISTED IN DEVELOPMENT CONDITIONS 18, 19, 20, 21, 23, AND 28 BELOW. PHASE II SHALL CONSIST OF THE INSTALLATION OF TWO EXTERIOR AUTO LIFTS, AS SHOW ON THE SEA PLAT. PHASE II SHALL NOT BE CONSTRUCTED UNTIL ALL IMPROVEMENTS LISTED IN PHASE I HAVE BEEN COMPLETED. THE EXTERIOR AUTO LIFTS SHALL REQUIRE ANY APPLICABLE SITE PLAN AND PERMIT APPROVALS PRIOR TO THEIR INSTALLATION”; AND THE ADDITION OF THE FOLLOWING CONDITION: TO REDUCE NOISE LEVELS ASSOCIATED WITH ANY IMPACT GUNS FOR OUTDOOR VEHICLE SERVICE, THE EMPLOYEES OF THE

SERVICE STATION SHALL USE QUIET GUN IMPACT GUNS DURING OUTDOOR VEHICLE SERVICE.

Commissioner Sargeant: Second.

Commissioner Migliaccio: Thank you, and can I get the applicant to come down, please.

Roland Joun, Applicant: Yes, my name is Roland Joun.

Commissioner Migliaccio: Did you have a chance to read the development conditions and understand the development conditions that I just revised? And do you agree to abide by these?

Mr. Joun: Yes, I do.

Commissioner Migliaccio: Thank you.

Chairman Murphy: Would you state your name for the record please?

Mr. Joun: My name is Roland G. Joun. J-O-U-N.

Chairman Murphy: Thank you very much. That motion was seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the board of supervisors that it approve SEA 87-L-012-02, subject to development conditions as amended tonight by Mr. Migliaccio, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.)

JN

PROPOSED DEVELOPMENT CONDITIONS

SEA 87-L-012-02

December 9, 2015

If it is the intent of the Board of Supervisors to approve Special Exception Amendment SEA 87-L-012-02, located at Tax Map 90-2 ((1)) 25A, 25B, for a service station and quick service food store in a Highway Corridor Overlay District to permit site modifications and other changes to an existing service station pursuant to Sect. 7-607 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. This approval supersedes all previous approvals, and these conditions incorporate and supersede all previous conditions. Conditions carried forward from the previous Special Exception approval are denoted with an asterisk (*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Amendment Plat approved with this application, as qualified by these development conditions.*
3. A copy of this Special Exception Amendment and Non-Residential Use Permit (Non-RUP) 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 Amendment is subject to the provisions of Article 17 of the Zoning Ordinance, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any site plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled Springfield BP and prepared by Wilkerson & Associates, Inc., containing seven sheets dated September 23, 2014 and revised through November 3, 2015 and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. There shall be no more than six (6) employees on site at any one time.
6. No signs shall be placed on the canopy.*
7. There shall be no display, selling, rental, or leasing of vehicles, tools or equipment on this site.*

8. Prior to the issuance of the Non-RUP, the dumpster shall be screened from view by a brick or masonry enclosure on three sides and a gate, all a minimum of six (6) feet in height.
9. The size of the quick-service food store, including the cashier's area and storage of the items sold at the quick service food store shall be limited to 231 square feet. There shall be no outside storage or display associated with the quick-service food store.*
10. The types of items which may be sold in the quick service food store shall be limited to prepackaged items which are normally sold from vending machines, including coffee and similar hot beverages, cakes, pies, soft drinks, juices, dairy products, prepackaged sandwiches, snack food items, e.g., pretzels, potato chips, etc. cookies assorted gum, cigarettes and tobacco products and similar items. No groceries, other than as above, shall be permitted. Food preparation and the use of microwave ovens shall not be allowed. No alcoholic beverages shall be allowed to be sold. The marketing of video tapes or video machines shall not be allowed on the premises. These restrictions, however, shall not limit the sale of automobile-related products under the definition of service station.*
11. The existing sign may remain.*
12. The maximum number of service bays on site shall be limited to three as depicted on the Special Exception Amendment Plat.
13. The development shall consist of two phases. Phase I improvements shall consist of those improvements listed in development conditions 18, 19, 20, 21, 23 and 28 below. Phase II shall consist of the installation of two exterior auto lifts, as shown on the SEA Plat. Phase II shall not be constructed until all improvements listed in Phase I have been completed. The exterior auto lifts shall require any applicable site plan and permit approvals prior to their installation.
14. To reduce noise levels associated with any impact guns used for outdoor vehicle service, the employees of the service station shall use quiet gun impact guns during outdoor vehicle service.
15. No major vehicle repairs are permitted and outside storage of more than two abandoned, wrecked or inoperable vehicles on the site for more than 72 hours is strictly prohibited.
16. An automotive fluid separator and/or underground fluid container shall be installed within 60 days of this Special Exception Amendment approval and designed such that any areas that could have oil or other vehicular fluid spills shall be contained. Such facility shall be properly maintained and properly drained and any liquids contained within shall be properly disposed of on a routine basis.
17. A separate container or enclosed area within the two storage trailers shall be

provided where automotive fluid or liquids are stored in order to capture spillage that may leak onto the floor of the storage trailer or onto the ground. Such container or enclosed area shall be provided within 60 days of this Special Exception Amendment approval.

18. Prior to the issuance of the Non-RUP, all parking spaces shall be striped as delineated on the Special Exception Amendment Plat and in accordance with 7-0800 of the Public Facilities Manual. Prior to the issuance of the Non-RUP, signage shall be installed on the property requiring that vehicles parked on-site shall be parked only in designated, striped parking spaces at all times, with the exception of vehicles fueling at fuel pumps. Prior to the issuance of the Non-Rup, signage shall be installed prohibiting vehicles from parking on adjacent properties.
19. Prior to the issuance of the Non-RUP, the site shall meet all ADA requirements for the site.
20. Prior to the issuance of the Non-RUP, the car vacuum station shall be removed.
21. All landscaping shown on the Special Exception Amendment Plat shall be in place prior to the issuance of the Non-RUP. All plant material provided on site shall conform with the size requirements of the Public Facilities Manual. Substitutions of similar types of plants are permitted subject to the approval of the Urban Forest Management Division (UFM).
22. The vegetation in the area between the newly paved area of approximately 1,653 square feet and the right-of-way for I-95 shall be preserved, as shown on the Special Exception Amendment Plat.
23. Prior to the issuance of the Non-Rup, all equipment and other refuse shall be permanently removed from the conservation easement area. A four-foot high split rail fence shall be installed at the edge of the pavement adjacent to the tree preservation area in order to protect the tree preservation area and conservation easement from further land disturbances.
24. The installation of landscaping and condition of existing landscaping shall be inspected by a Certified Arborist who has taken and passed the certification examination sponsored by the International Society of Arboriculture and who maintains a valid certification status, or by a Registered Consulting Arborist as designated by the American Society of Consulting Arborists. Prior to the issuance of the Non-RUP, trees that are determined to be dead or dying or that do not meet the standards of PFM 12-0400 shall be replaced.
25. All replacement trees shall be planted in accordance with the standards described in the latest edition of the "Tree and Shrub Planting Guidelines" prepared by the Virginia Cooperative Extension, Virginia Polytechnic Institute and State University.

26. Should the proposed landscaping within the landscape island along the southern property line not be approved as shown on the SEA Plat at the time of site plan review, the applicant shall coordinate with UFM to ensure that vegetated screening is provided within this area.
27. Upon completion of the landscape installation, UFM shall be notified in writing that all landscaping has been installed.
28. Prior to the issuance of the Non-RUP, UFM shall inspect the landscaping to ensure that it is in compliance with that shown on the approved Special Exception Amendment Plat.
29. The Property shall be maintained and kept free of debris, litter and illegal storage items at all times. Routine maintenance shall include, but not be limited to, landscaping upkeep.

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 Amendment shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, 6 months after the date of approval unless the use has been established as evidenced by the issuance of a Non-RUP. 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.



County of Fairfax, Virginia

2015 Planning Commission

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

Ellen J. "Nell" Hurley
Braddock District

John Ulfelder
Dranesville District

James Migliaccio
Lee District

Julie Strandlie
Mason District

Earl L. Flanagan
Mount Vernon District

Kenneth A. Lawrence
Providence District

Janyce N. Hedetniemi
At-Large

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

October 15, 2015

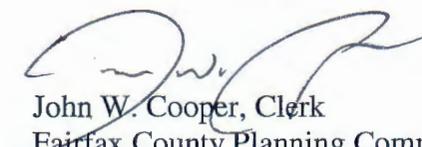
Roland & Maria Joun, Trustees
R. Joun Enterprise LLC, Applicant
PO Box 17
Dunkirk, MD 22937

**Re: SEA 87-L-012-02 – SPRINGFIELD BP
Lee District**

Dear Mr. Joun:

At its October 7, 2015 meeting, the Planning Commission voted 10-0 (Commissioners Lawrence and Litzenberger were absent from the meeting) to **DEFER THE PUBLIC HEARING** of the above-referenced application to a date certain of December 9, 2015. A copy of the verbatim transcript is attached.

Sincerely,


John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Jeff McKay, Supervisor, Lee District
James Migliaccio, Planning Commissioner, Lee District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Michael Van Atta, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ)
Robert Harrison, ZED, DPZ
October 7, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
www.fairfaxcounty.gov/planning



RECEIVED
Department of Planning & Zoning
OCT 16 2015
Zoning Evaluation Division

Planning Commission Meeting
October 7, 2015
Verbatim Excerpt

SEA 87-L-012-02 – SPRINGFIELD BP

During Commission Matters

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION MOVE THE PUBLIC HEARING FOR SEA 87-L-012-02, ON BEHALF OF SPRINGFIELD BP, TO A DATE CERTAIN OF DECEMBER 9TH, 2015.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of deferring the application to a date certain of December 9th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 10-0. Commissioners Lawrence and Litzberger were absent from the meeting.)

JN



County of Fairfax, Virginia

September 25, 2015

**2015 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

John Ulfelder
Dranesville District

Earl L. Flanagan
Mount Vernon District

Janyce N. Hedetniemi
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Ellen J. "Nell" Hurley
Braddock District

John L. Litzenberger
Sully District

Kenneth A. Lawrence
Providence District

James Migliaccio
Lee District

Julie Strandlie
Mason District

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Roland Joun
R. Joun Enterprise, LLC
6703 Backlick Road
Springfield, VA 22150

**Re: SEA 87-L-012-02 – SPRINGFIELD BP
Lee District**

Dear Mr. Joun:

At its September 24, 2015 meeting, the Planning Commission voted 9-0 (Commissioners Lawrence, Litzenberger, and Ulfelder were absent from the meeting) to **DEFER THE PUBLIC HEARING** of the above-referenced application to a date certain of December 9, 2015. A copy of the verbatim transcript is attached.

Sincerely,



John W. Cooper
Clerk to the Planning Commission

cc: Jeff McKay, Supervisor, Lee District
James Migliaccio, Planning Commissioner, Lee District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Michael Van Atta, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
September 24, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
www.fairfaxcounty.gov/planning



Planning Commission Meeting
September 24, 2015
Verbatim Excerpt

SEA 87-L-012-02 – SPRINGFIELD BP

During Commission Matters

Commissioner Migliaccio: Mr. Chairman, I thought this was administratively moved, but I see it wasn't. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SEA 87-L-012-02, ON BEHALF OF SPRINGFIELD BP, TO A DATE CERTAIN OF DECEMBER 9TH, 2015.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor to defer the application's public hearing to a date certain of December 9th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Ulfelder were absent from the meeting.)

JLC