



County of Fairfax, Virginia

February 18, 2016

**2016 Planning
Commission**

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Assistant Director

John W. Cooper
Clerk to the Commission

Mark Jenkins, Owner
Mark Jenkins, PC
8233 Old Courthouse Road, Suite 350
Vienna, VA 22182

**Re: SEA 97-V-061 – ARA, INC. T/A GUNSTON SHELL SERVICE STATION
Mount Vernon District**

Dear Mr. Jenkins:

At its February 17, 2016 meeting, the Planning Commission voted 11-0-1 (Commissioner Migliaccio abstained from the vote) to **RECOMMEND APPROVAL** on the above referenced application, subject to the development conditions dated February 16, 2016. A copy of the verbatim transcript 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: Daniel Storck, Supervisor, Mount Vernon District
Earl Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Nicholas Rogers, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
February 17, 2016 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.



PROPOSED DEVELOPMENT CONDITIONS

SEA 97-V-061

February 16, 2016

If it is the intent of the Board of Supervisors to approve SEA 97-V-061, located at 9801 Richmond Highway, Tax Map 113-2 ((1)) 24, previously approved for use as a service station pursuant to Sect. 4-604 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions.

1. This Special Exception Amendment (SEA) is granted for and runs with the land indicated in this application and is not transferable to other land.
2. A copy of these SEA conditions, along with the 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 hours of operation for the permitted use.
3. This SEA 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.
4. This SEA is subject to the provisions of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved SEA Plat entitled "Gunston Hall Service Station | 9801 Richmond Highway, Lorton" prepared by Craig McBride, which is dated April 8, 2015 and revised through November 13, 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. All parking for this use shall be on-site. Within 120 days of the approval of this SEA, required parking spaces shall be striped and located as shown on the SEA Plat. Parking shall occur only within designated spaces as shown on the SEA Plat with the exception of vehicles fueling at fuel pumps. Employee vehicles, vehicles waiting to be serviced, or vehicles waiting to be picked up shall not be parked within public right-of-way.
6. Within 120 days of the approval of this SEA, the applicant shall grant an interparcel access easement to the owner of Tax Map 113-2 ((1)) 23, otherwise known as 9809 Richmond Highway, in the general location of the existing driveway connection between the two properties as shown on the SEA Plat.
7. Within 120 days of the approval of this SEA, the applicant shall implement the landscaping as generally shown on the SEA Plat and Attachment A to these conditions. This vegetation shall be maintained year round by the applicant to

enhance the visual appearance of the site. The applicant shall remove and replace on-site vegetation damaged by winter weather, snow removal, and vehicular movements. The location, type, and species of the landscaping may be modified to accommodate utilities, property lines, and nursery stock availability. The on-site landscaping, and modifications referenced in this condition, shall retain a generally equivalent number of plantings as shown on the SEA Plat and Attachment A and shall be subject to the review and approval of the Urban Forest Management Division (UFMD).

8. The hours of operation shall be limited to 5:00am – 11:00pm, seven days per week. Self-service fuel operations may be permitted 24 hours a day, 7 days a week.
9. The maximum number of employees during a shift on site at any one time shall not exceed five.
10. The fuel canopy shall not exceed 18.5 feet in height.
11. Within 120 days of the approval of this SEA, the applicant shall complete the building façade modifications and install the planters as depicted in Attachment A to these conditions. The modifications shall include both the original service station building and the fourth service bay. The façade modifications and planter placement shall be in substantial conformance with the improvements shown in Attachment A.
12. All underside canopy lighting shall consist of full cut-off lighting fixtures, which direct light glare downward and shield light glare in such a manner as to prevent the light from projecting beyond the site onto adjacent residential properties. In accordance with Section 14-903 of the Zoning Ordinance, the fuel canopy lighting shall not exceed a maintained lighting level of 30 footcandles under the canopy as measured horizontally at grade.
13. Approval of this Special Exception Amendment shall not constitute approval of existing signs. Within 30 days of the approval of this Special Exception Amendment, any nonconforming signs shall be removed. No flags or banners shall be displayed on the building, except that an American flag mounted on a flag pole may be permitted. All signs, existing or proposed, shall conform to the regulations of Article 12 of the Zoning Ordinance.
14. The applicant shall operate the service station as defined in Article 20 of the Zoning Ordinance. The service station shall not be used for the performance of major repairs, and shall not include the outdoor storage of abandoned, wrecked, or inoperable vehicles on the site for more than 72 hours as outlined in Section 9-505, Paragraph 3(B) of the Zoning Ordinance. Furthermore, there shall be no outdoor dismantling, wrecking or sale of said vehicles or parts thereof.
15. The service station operation shall not include vehicle or tool rental or similar uses.
16. All vehicle service shall be performed within the service bays shown on the Special Exception Plat. No outdoor lifts shall be permitted.

17. Within 120 days of the approval of this SEA, the applicant shall modify the six-foot tall chain link fence which restricts access to the accessory storage structure with a semi-opaque screen treatment as identified on the SEA Plat.
18. Within 30 days of the approval of this SEA, the applicant shall submit a retroactive building permit application for the unpermitted service bay shown on the SEA Plat. The applicant shall also submit all applicable trade permit applications, which may include but shall not be limited to mechanical, plumbing, and electrical permits. The permit applications shall be subject to the review and approval of DPWES.
19. Within six months of the approval of this SEA, the applicant shall obtain final approved inspections for the unpermitted service bay in addition to all applicable trade permits. The inspections and approvals shall be subject to the review and approval of DPWES.
20. Upon demonstration by the applicant that, despite diligent efforts or due to factors beyond the applicant's control, the applicant will be or has been delayed in the completion of one or more of the obligations or improvements required by these conditions beyond the timeframes set forth in these conditions, the Zoning Administrator may agree to a later date for the fulfillment/completion of such obligations or improvements, provided the applicant otherwise is in substantial conformance with these conditions.
21. The applicant shall replace the door of the southernmost service bay with a door that looks similar to the other three bays, for example, with three panel windows.

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, eighteen (18) 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-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.



These images are for Illustrative Purposes Only. Final plant locations and quantities are subject to Final Engineering / Design as well as Fairfax County and VDOT approvals.

NOVEMBER 5, 2015

GUNSTON SHELL- ILLUSTRATIVE LANDSCAPING



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Planning Commission Meeting
February 17, 2016
Verbatim Excerpt

SEA 97-V-061 – ARA, INC. T/A GUNSTON SHELL SERVICE STATION

Decision Only During Commission Matters
(Public Hearing held on January 14, 2016)

Commissioner Flanagan: Yes, before I start, I'd like to defer to Commissioner Hart.

Commissioner Hart: Oh, thank you. Mr. Chairman, if we're doing the decision on the Gunston Shell case – yeah, I wanted to – before we go on the verbatim – between the time of the public hearing and tonight, the law firm of Hart & Horan, PC has one case with Mr. Jenkins, who is the appellants – or, excuse me, the applicant's agent – representing another party. That matter came up after we did the public hearing. I would've done the disclosure then. I'm doing it now. I don't believe it would affect my ability to participate in the case. We have no business or financial relationship. Those parties and that matter is entirely unrelated to this, but I'll make that disclosure. Thank you.

Chairman Murphy: Thank you very much. Mr. Flanagan.

Commissioner Flanagan: Yes. Well, I have a decision only on the agenda tonight. It's the first item. During the January 14 public hearing, regarding the Gunston Shell Service Station Special Exception Amendment 97-V-061, testimony by the South County Federation concurred with the staff recommendation of approval, provided six changes were made to the staff conditions. In addition, there was a commission question about the amount of right-of-way needed for the station property owner from the – station property owner – for the future widening of Richmond Highway. The Commission deferred a decision until tonight. County staff, the applicant, the South County Federation, and I met on February 10, during which all six concerns were reviewed. All now agree with the revised conditions distributed to the Commission yesterday. In addition, it was determined that the right-of-way needed in the VDOT location study plans for the widening of Richmond Highway will not be 48 feet, as in the staff report, but only 20 feet. I therefore request that the applicant come forward and confirm for the record their agreement to the proposed development conditions, now dated February 16, 2016.

Mark Jenkins, Applicant's Agent, Mark Jenkins, PC: Mark Jenkins, attorney and agent for the applicant, I have a copy of the conditions dated February the 10th. I assume that they're identical.

Commissioner Flanagan: Yes, they are.

Mr. Jenkins: They're a different date. I did want to clarify – I wasn't quite certain about the reference to the dedication, but we concur with the conditions as stated in the February 10th.

Commissioner Flanagan: Right.

Mr. Jenkins: We are not concurring with the dedication.

Commissioner Flanagan: There's no requirement for the dedication of that 20 feet at this time.

Mr. Jenkins: Thank you. So I can confirm that we are in agreement with the development conditions dated February the 16th, 2016.

Commissioner Flanagan: Thank you. Well therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 97-V-061, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 16, 2016.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? Mr. Sargeant.

Commissioner Sargeant: Mr. Chairman, just one question for clarification – for Commissioner Flanagan. In your statement regarding the right-of-way, does anything in that initiative – motion – impact otherwise – in any way the BRT-required right-of-way?

Commissioner Flanagan: The who? Who required?

Commissioner Sargeant: The Bus Rapid Transit right-of-way.

Commissioner Flanagan: That remains yet to be seen. At the present time, Embark calls for the bus rapid transit all the way to the Occoquan past this gas station. However, I think that it – it calls for it to be in dedicated lanes, but the text that goes along with it says that they would use local lanes south of the Fairfax County Parkway. So you'll note that at the Fairfax County Parkway as you go south, there's bridge construction across the Pohick Creek and there's a gap between the two bridges. So there's no way for the buses to go south of the Fairfax County Parkway, except on the regular lanes.

Commissioner Sargeant: Mr. Chairman, can I get a clarification from staff just so I know for my own understanding?

Chairman Murphy: Mr. Rogers.

Nicholas Rogers, Zoning Evaluation Division, Department of Planning and Zoning:
Commissioner Sargeant, how can we help?

Commissioner Sargeant: Just want to make sure I understand that this does not influence – impact the requirements for bus rapid transit all the way down to the Occoquan, as Commissioner Flanagan described.

Mr. Rogers: It does not.

Commissioner Sargeant: So you're good to go with this? Thank you very much.

Mr. Rogers: You're welcome.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 97-V-061, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman?

Commissioner Flanagan: I have two more motions, Mr. Chairman.

Chairman Murphy: Hold on.

Commissioner Migliaccio: Mr. Chairman, on that motion, I abstain. I was not here for the public hearing.

Chairman Murphy: Okay. Mr. Migliaccio abstains, not present for the public hearing. Mr. Flanagan.

Commissioner Flanagan: Yes. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE FRONTAGE IMPROVEMENTS REQUIREMENT IN SECTION 17-201 OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE SEA PLAT.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Abstain.

Commissioner Flanagan: And finally, I move that the Planning Commission recommend

Chairman Murphy: And same abstention on that all-

Commissioner Flanagan: Same abstention? Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS IN SECTION 13-302 OF THE ZONING ORDINANCE IN FAVOR OF THOSE SHOWN ON THE SEA PLAT.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention. Thank you.

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(Each motion carried by a vote of 11-0-1. Commissioners Migliaccio abstained from the vote.)

JLC



County of Fairfax, Virginia

January 15, 2016

**2016 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
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**Re: SEA 97-V-061 – ARA, INC. T/A GUNSTON SHELL SERVICE STATION
Mount Vernon District**

Dear Mr. Jenkins:

At its January 14, 2016 meeting, the Planning Commission voted 11-0 (Commissioner Migliaccio was absent from the meeting) to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of January 28, 2016. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper, Clerk to the
Fairfax County Planning Commission

Attachments (a/s)

cc: Daniel Storck, Supervisor, Mount Vernon District
Earl Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of
Supervisors, County Executive Office
Nicholas Rogers, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
January 14, 2016 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
January 14, 2016
Verbatim Excerpt

SEA 97-V-061 – ARA, INC. T/A GUNSTON SHELL SERVICE STATION

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. Flanagan, please.

Commissioner Flanagan: Thank you, Mr. Chairman. As I indicated, we have just – I have just received the final wording of the Federation's recommendations for modifications to the application. And I also want to clarify all the discussion that we've had about nexus and all that sort of thing. So, with that I'M GOING TO MOVE that – THE DEFERRAL OF SEA 97-V-061 FOR A DECISION ONLY TO A DATE CERTAIN OF JANUARY 28, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer the decision only SEA 97-V-061 to a date certain of January 28th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

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

JLC