



# County of Fairfax, Virginia

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

January 13, 2016

Karen L. Cohen  
Vanderpool, Frostick & Nishanian, P.C.  
9200 Church Street, Suite 400  
Manassas, VA 20110

RECEIVED  
Department of Planning & Zoning

MAR 23 2016

Zoning Evaluation Division

RE: Special Exception Amendment Application SEA 83-V-083

Dear Ms. Cohen:

At a regular meeting of the Board of Supervisors on January 12, 2016, the Board approved Special Exception Amendment Application SEA 83-V-083 in the name of SEJ Asset Management and Investment Company. The subject property is located at 9402 Richmond Highway, on approximately 30,856 square feet of land zoned C-8 in the Mount Vernon District [Tax Map 107-4 ((1)) 22 and 23]. The Board's action amends Special Exception Application SE 83-V-083 previously approved for a service station and quick service food store to permit modifications to minimum yard requirements for certain existing structures and uses. Previously approved conditions or those with minor modifications are marked with an asterisk (\*).

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. 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. \*
3. This Special Exception Amendment 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 "Special Exception Plat Amendment | SEA 83-V-083 for 7-Eleven" prepared by Bohler Engineering, which is dated June 8, 2015 and revised through September 28, 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. \*

**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: 711

Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

<http://www.fairfaxcounty.gov/bosclerk>

4. A copy of these Special Exception conditions shall be posted in a conspicuous place along with the Non-Residential Use Permit (Non-RUP) 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. \*
5. The applicant shall install a bus shelter pad on the Richmond Highway frontage as generally shown on the SEA Plat, subject to the review and approval of the Virginia Department of Transportation (VDOT). The design of the bus shelter pad shall meet the Fairfax County Bus Stop Guidelines.
6. Within 60 days of the approval of this Special Exception, the applicant shall install traffic barriers which prohibit vehicular access at the two locations shown on the SEA Plat bordering Tax Map 107-4 ((1)) 24 and the service drive, subject to the review and approval of VDOT for the barrier located within right-of-way.
7. Prior to site plan approval the applicant shall amend the interparcel access with Tax Map 107-4 ((4)) 32A to permit unrestricted access to the southwestern service drive access to Richmond Highway.
8. Within 90 days of a Residential Use Permit (RUP) or Non-RUP being issued for a use on the adjacent Tax Map 107-4 ((1)) 24, the applicant shall grant an interparcel access easement as depicted on the SEA Plat to the owners of Tax Map 107-4 ((1)) 24, subject to the applicant and each adjacent parcel owner entering into a mutually agreed upon maintenance agreement. Concurrent with granting this interparcel access easement, the applicant shall remove the traffic barriers prohibiting access to the adjacent property and service drive.
9. Notwithstanding the proposed landscaping shown on the SEA Plat, the location and species of the proposed plantings shall be subject to the review and approval of the Urban Forest Management Division (UFMD). The applicant's landscape plan shall include, but shall not be limited to, adjustments to the locations of the Category II trees to be planted near the corner of Richmond Highway and Armistead Road. The applicant shall determine, subject to the review and approval of UFMD, the appropriateness of retaining the existing 11-inch caliper maple tree on site and the potential for removing this tree and replanting of the vicinity with additional trees.
10. 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. All underside canopy lighting shall consist of full cut-off lighting fixtures.
11. The applicant shall maintain the existing trench drain on site. The applicant may elect to replace and install an alternative stormwater management facility at a future date. Changes to stormwater management facilities shall be subject to the review and approval of DPWES.

12. Within 60 days of the approval of this Special Exception and prior to the issuance of a new Non-RUP, the applicant shall remove all signs installed without sign permits. All signs on site shall conform to the requirements of Article 12 of the Zoning Ordinance.
13. All parking shall be on site in accordance with Article 11 of the Zoning Ordinance. Within 90 days of the approval of this Special Exception and prior to the issuance of a new Non-RUP, the applicant shall petition VDOT to restrict on-street parking within the existing service drive between the subject property and the Richmond Highway travel lanes. The applicant shall provide a copy of the petition to Zoning Permit Review Branch (ZPRB) staff prior to the issuance of a Non-RUP.
14. Notwithstanding the improvements shown on the SEA Plat, the applicant may continue use of the Armistead Road access point in a manner acceptable to VDOT. Improvements to the Armistead Road access point, such as those required through an Access Management Exception review, shall be subject to the review and approval of VDOT and shall be incorporated into the applicant's site plan submission prior to final site plan approval.

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 demolition permit for the underground fuel storage tanks. 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:**

- Modified the minimum rear yard requirement for the existing service station/quick service food store building in accordance with Sect. 9-625 of the Zoning Ordinance to permit the building to remain as shown on the SEA Plat
- Modified the frontage improvements requirement found in Sect. 17-201 of the Zoning Ordinance in favor of that shown on the SEA Plat

- Waived the transitional screening and barrier requirements in Sect. 13-302 of the Zoning Ordinance along the western property boundary

Sincerely,



Catherine A. Chianese  
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova  
Supervisor Daniel G. Storck, Mount Vernon 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  
Michael Davis, 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](http://www.fairfaxcounty.gov/dpz/zoning/applications)

APPLICATION No: SEA 83-V-083

*Name Change Only*

(Staff will assign)  
 Department of Planning & Zoning

Zoning Evaluation Division

**APPLICATION FOR A SPECIAL EXCEPTION**

(PLEASE TYPE or PRINT IN BLACK INK)

<b>APPLICANT</b>	<b>NAME</b> SEJ Asset Management and Investment Company	
	<b>MAILING ADDRESS</b> 1722 Routh Street, Suite 1000, Dallas, TX 75201	
	<b>PHONE HOME</b> ( ) <b>WORK</b> ( 804 ) 930-7012	
	<b>PHONE MOBILE</b> ( )	
<b>PROPERTY INFORMATION</b>	<b>PROPERTY ADDRESS</b> 9402 Richmond Hwy Lorton, VA 22079	
	<b>TAX MAP NO.</b> 1074-01-0023 & 0022	<b>SIZE (ACRES/SQ FT)</b> 0.7084 ac / 30,856 sq ft
	<b>ZONING DISTRICT</b> C-8	<b>MAGISTERIAL DISTRICT</b> Mt Vernon
	<b>PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:</b> N/A	
<b>SPECIAL EXCEPTION REQUEST INFORMATION</b>	<b>ZONING ORDINANCE SECTION</b> 4-804 , <i>9-625 NR</i>	
	<b>PROPOSED USE</b> Convenience store with retail motor fueling sales - amend original approval of SE 83-V-083	
<b>AGENT/CONTACT INFORMATION</b>	<b>NAME</b> Karen L. Cohen	
	<b>MAILING ADDRESS</b> Vanderpool, Frostick & Nishanian, PC 9200 Church Street, Suite 400 Manassas, VA 20110	
	<b>PHONE HOME</b> ( ) <b>WORK</b> ( 703 ) 369-4738	
	<b>PHONE MOBILE</b> ( )	
<b>MAILING</b>	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>Karen L. Cohen</p> <p><i>[Signature]</i></p> <p><b>TYPE/PRINT NAME OF APPLICANT/AGENT</b> <b>SIGNATURE OF APPLICANT/AGENT</b></p>		

DO NOT WRITE IN THIS SPACE

*[Signature]*

*SEA 2015-0283*

Date Application accepted: May 15, 2014 Application Fee Paid: \$ 16375.00

*Name Change + Agent Update: September 4, 2015*