



# County of Fairfax, Virginia

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

September 21, 2016

Roland G. Joun  
Wilkerson & Associates, Inc.  
Engineers & Land Surveyors  
PO Box 17  
Dunkirk, MD 20754

RE: Special Exception Amendment Application SEA 87-L-012-02

Dear Mr. Joun:

At a regular meeting of the Board of Supervisors held on September 20, 2016, the Board approved six months of additional time to obtain a Non-RUP for Special Exception Amendment Application SEA 87-L-012-02, in the name of R. Joun Enterprise LLC until February 2, 2017, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

Sincerely,

Catherine A. Chianese  
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova  
Supervisor Jeffery McKay, Lee District  
Howard Goodie, 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  
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay  
Michael Davis, Section Chief, Transportation Planning Division  
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  
Jill Cooper, Executive Director, Planning Commission  
Suzanne Wright, Chief, Special Projects Applications/Management Branch, ZED, DPZ

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**Office of 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)  
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September 21, 2016

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RECEIVED  
Department of Planning & Zoning

OCT 11 2016

Zoning Evaluation Division

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# Board of Supervisors Agenda Item

**To:** Robert A. Stalzer

**Type:** Administrative

**Board Date:** 9/20/2016

**Title:**

Additional Time to Obtain a Non Residential Use Permit (Non-RUP) for Special Exception Amendment SEA 87-L-012-02, R. Joun Enterprise LLC (Springfield BP) (Lee District)

Review & Coordination:	Name	Signature
<input checked="" type="checkbox"/> Department Director	Fred R. Selden	
<input type="checkbox"/> County Attorney		
<input type="checkbox"/> Management & Budget		
<input checked="" type="checkbox"/> Transportation	Thomas P. Biesiadny	
<input type="checkbox"/>		

**Board Member Office(s) advised of this item?** Yes  No

**Who was advised:** Marcus Wadsworth

**When:** 8/2/16

**Author:** Laura O'Leary **Phone:** 703 - 324 - 1652

**Who will represent this item in the Board Auditorium?:** Suzanne Wright, Chief, Special Projects/Applications Management Branch, ZED, DPZ

**Phone:** 703 - 324 - 1290

**Comments:**

O:\vleary\Additional Time Requests\Springfiled BP, SEA 87-L-012-02\SEA 87-L-012-02 Springfield BP.doc

Letter received 7/12/16 & 8/8/16, from Roland G. Joun, agent for the applicant, requesting additional time to establish use.

Office of the County Executive

For office use only: \_\_\_\_\_

Board Agenda Item  
September 20, 2016

ADMINISTRATIVE - 17

Additional Time to Obtain a Non Residential Use Permit (Non-RUP) for Special Exception Amendment SEA 87-L-012-02, R. Joun Enterprise LLC (Springfield BP) (Lee District)

ISSUE:

Board consideration of additional time to obtain a Non-RUP for SEA 87-L-012-02, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve six (6) months additional time for SEA 87-L-012-02 to February 2, 2017.

TIMING:

Routine.

BACKGROUND:

Under Sect. 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless the Board approves additional time. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On February 2, 2016, the Board of Supervisors approved Special Exception Amendment SEA 87-L-012-02, subject to development conditions. The application was filed in the name of R. Joun Enterprise LLC, Roland Joun, Trustee and Maria Joun, Trustee for the purpose of amending SE 87-L-012 previously approved for a service station and quick service food store to permit site modifications and modification of the development conditions within the C-6 zoning district for the property located at 6703 Backlick Road, Tax Map 90-2 ((1)) 25A and 25B (see Locator Map in Attachment 1). The site is also located in the Highway Corridor (HC), Sign Control (SC), and Springfield Community Revitalization (CRD) overlay districts. The service station and quick service food store are Category 5 special exception uses and are permitted pursuant to Section 4-604 of

Board Agenda Item  
September 20, 2016

the Fairfax County Zoning Ordinance. SEA 87-L-012-02 was approved with a condition that the use be established as evidenced by the issuance of a Non-RUP for the use within six (6) months of the approval date unless the Board grants additional time. The development conditions for SEA 87-L-012-02 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On July 13, 2016, the Department of Planning and Zoning (DPZ) received a letter dated July 12, 2016, from Roland Joun, the Applicant, requesting three (3) months of additional time (see Attachment 3). Based on the current expiration date of August 2, 2016, and discussion with staff, Mr. Joun has indicated his agreement that additional time is required to establish the use. Mr. Joun therefore submitted an amended letter on August 8, 2016, via e-mail, requesting that six (6) months of additional time be granted (see Attachment 3). The approved Special Exception Amendment will not expire pending the Board's action on the request for additional time.

Mr. Joun states additional time is necessary to satisfy all the conditions necessary to obtain the Non-RUP. Staff has consulted with the Department of Public Works and Environmental Services (DPWES) and notified Mr. Joun that he must consult with the Urban Forest Management Division (UFM) and Site Development & Inspections Division (SDID) within DPWES to ensure all conditions related to landscaping and site improvements are met to their satisfaction. Additionally, Mr. Joun must demonstrate to the Zoning Permit Review Branch that all conditions have been met prior to the issuance of the Non-RUP. The request for six (6) months of additional time will allow for the outstanding conditions to be satisfied prior to the issuance of a Non-RUP.

Staff has reviewed Special Exception Amendment SEA 87-L-012-02 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit site modifications and modification of the development conditions to the service station and quick service food store within a C-6 zoning district. Further, staff knows of no change in land use circumstances that affects compliance of SEA 87-L-012-02 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SEA 87-L-012-02 are still appropriate and remain in full force and effect. Staff believes that approval of the request for six (6) months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:

None

Board Agenda Item  
September 20, 2016

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated February 3, 2016, to Roland Joun

Attachment 3: Letters dated July 12, 2016 and August 8, 2016, to Leslie Johnson

STAFF:

Robert A. Stalzer, Deputy County Executive

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)

Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ

Suzanne Wright, Chief, Special Projects/Applications/Management Branch, ZED, DPZ

Denise James, Chief, Environment and Development Review Branch, Planning Division,  
DPZ

Laura O'Leary, Staff Coordinator, ZED, DPZ





# County of Fairfax, Virginia

ATTACHMENT 2

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

February 3, 2016

Joun Roland  
Wilkerson and Associates, Inc.  
7650 Binnacle Lane  
Owings, MD 20736

RECEIVED  
Department of Planning & Zoning

MAR 29 2016

Zoning Evaluation Division

RE: Special Exception Amendment Application SEA 87-L-012-02

Dear Mr. Roland:

At a regular meeting of the Board of Supervisors on February 2, 2016, the Board approved Special Exception Amendment Application SEA 87-L-012-02 in the name of R. Joun Enterprise LLC, Roland Joun, Trustee and Maria Joun, Trustee. The subject property is located at 6703 Backlick Road, on approximately 30,476 square feet of land zoned C-6, HC, SC, and CRD in the Lee District [Tax Map 90-2 ((1)) 25A and 25B]. The Board's action amends Special Exception Application SE 87-L-012 previously approved for a service station and quick service food store to permit modifications and modification to the development conditions. Previously approved conditions or those with minor modifications are marked 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.

Office of the Clerk to the Board of Supervisors  
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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 and the Non-RUP has been issued. 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.

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

SEA 87-L-012-2  
February 3, 2016

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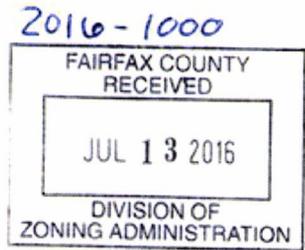
date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Sincerely,



Catherine A. Chianese  
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova  
Supervisor John Foust, Dranesville 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



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[rjoun@wilkersonnassociates.com](mailto:rjoun@wilkersonnassociates.com)

ATTACHMENT 3

July 12, 2016

Re: SEA 87-L-012-02  
Springfield BP

Mrs. Leslie B. Johnson  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Va. 22035

Dear Mrs. Johnson:

On February 2, 2016 the Board of Supervisors have approved the above referenced special exception with a condition that within 6 months after the date of approval a Non-RUP should be issued with satisfying certain conditions of the special exception. Condition number 8 has been satisfied. The dumpster was screened by a masonry enclosure on three sides and a gate with minimum 6 feet in height. Condition 18 has been satisfied with all parking spaces be striped. Condition 19 has been satisfied the site meet all ADA requirements. Condition 20 the car vacuum has been removed. Condition 23 all equipment and other refuse has been removed from the conservation easement.

The only condition that has not been satisfied is number 21 and 28 dealing with plant material and secure approval from the Urban Forest management Division (UFM). We are in the process of working with UFM to satisfy said condition.

We are asking for a 3 months additional time in order to complete such task.

If you have any questions please do not hesitate to call me.

Sincerely,

Roland G. Joun, P.E.

cc: Barbara C. Berlin, Director, Zoning Evaluation Division  
Jeffrey C. McKay, Supervisor Lee District

RECEIVED  
Department of Planning & Zoning  
JUL 13 2016  
Zoning Evaluation Division

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[rjoun@wilkersonnassociates.com](mailto:rjoun@wilkersonnassociates.com)

August 8, 2016

Re: SEA 87-L-012-02  
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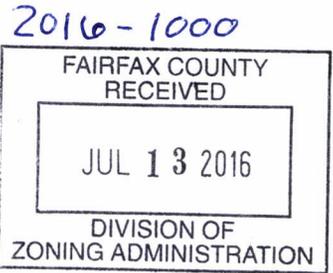
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July 12, 2016

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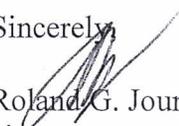
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RECEIVED  
Department of Planning & Zoning

JUL 13 2016

Zoning Evaluation Division