



APPLICATION ACCEPTED: September 23, 2016
PLANNING COMMISSION: January 18, 2017
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

January 4, 2017

STAFF REPORT

SEA 95-H-013



HUNTER MILL DISTRICT

APPLICANT: Macs Retail LLC

ZONING: C-6 (Community Retail Commercial District)

PARCEL: 25-4 ((1)) 02 C

SITE AREA: 40,163 sq. ft.

FAR: 0.05

PLAN MAP: Retail and Other

PROPOSAL: Amend previously approved Special Exception to permit a modification of development conditions associated with the service station/quick-service food store, as well as a waiver of minimum lot requirement. No physical site modifications or improvements are proposed.

STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 95-H-013, subject to development conditions consistent with those contained in Appendix 1.

Staff recommends reaffirmation of previously approved modification of Sect. 13-303 of the Zoning Ordinance for transitional screening and waiver of Sect. 13-304 of the Zoning Ordinance for the barrier requirement along the south and west side of the property as shown on the Special Exception Plat.

Harold Ellis

**Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service**

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



Staff recommends reaffirmation of a previously approved waiver of minimum lot width requirement in accordance with Sect. 9-601 of the Zoning Ordinance.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owners, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate, or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception Amendment

SEA 95-H-013



Applicant: MACS RETAIL LLC
Accepted: 09/23/2016
Proposed: AMEND SE 95-H-013 PREVIOUSLY APPROVED FOR SERVICE STATION, QUICK SERVICE FOOD STORE AND A WAIVER OF THE MINIMUM LOT WIDTH REQUIREMENT TO PERMIT MODIFICATION OF DEVELOPMENT CONDITIONS

Area: 40163 SF OF LAND; DISTRICT - HUNTER MILL

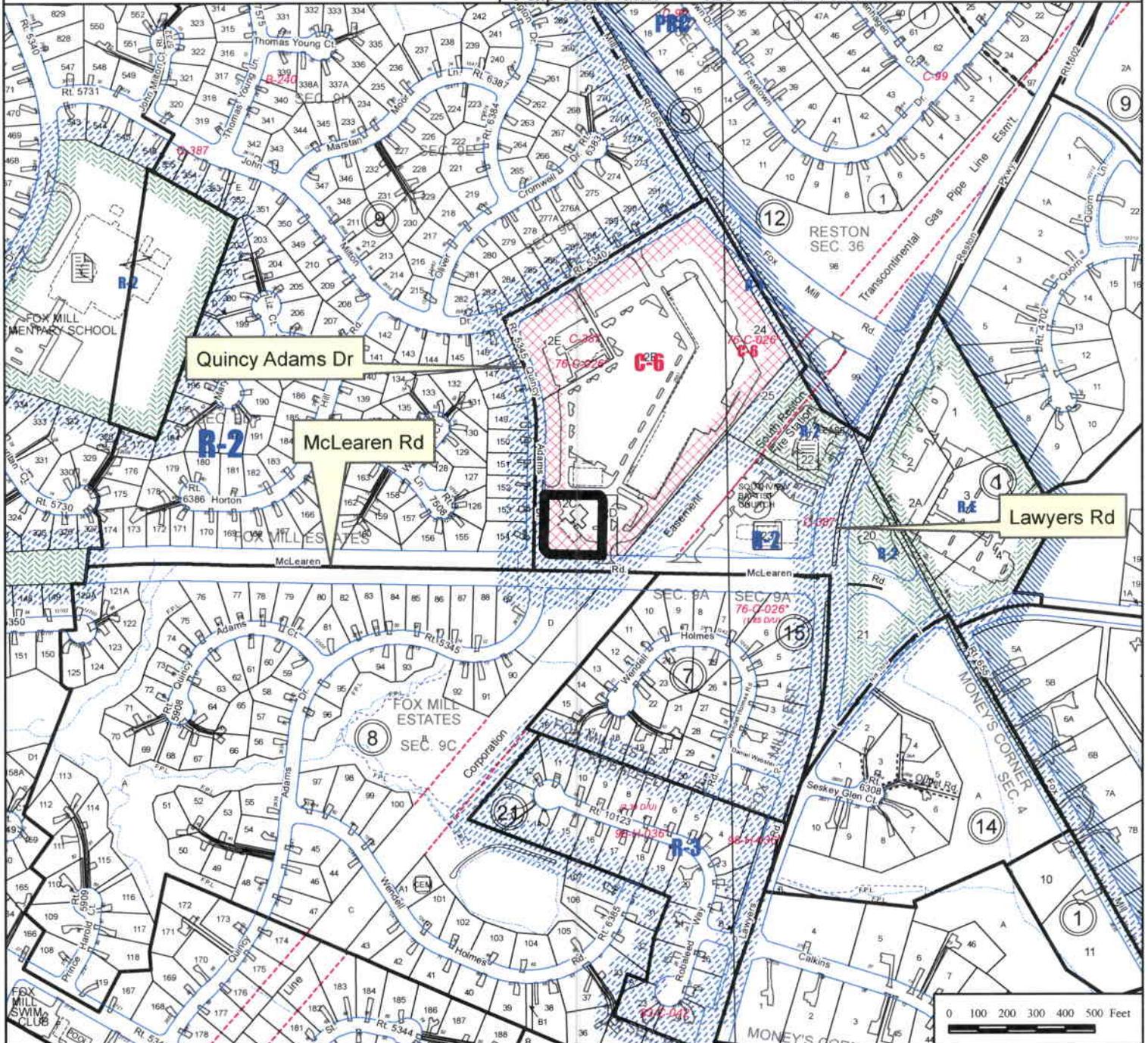
Zoning Dist Sect: 09-061004-060404-0604
Located: 2601 QUINCY ADAMS ROAD, HERNDON, VA 20171

Zoning: C-6

Plan Area: 3,

Overlay Dist:

Map Ref Num: 025-4- /01/ /0002C



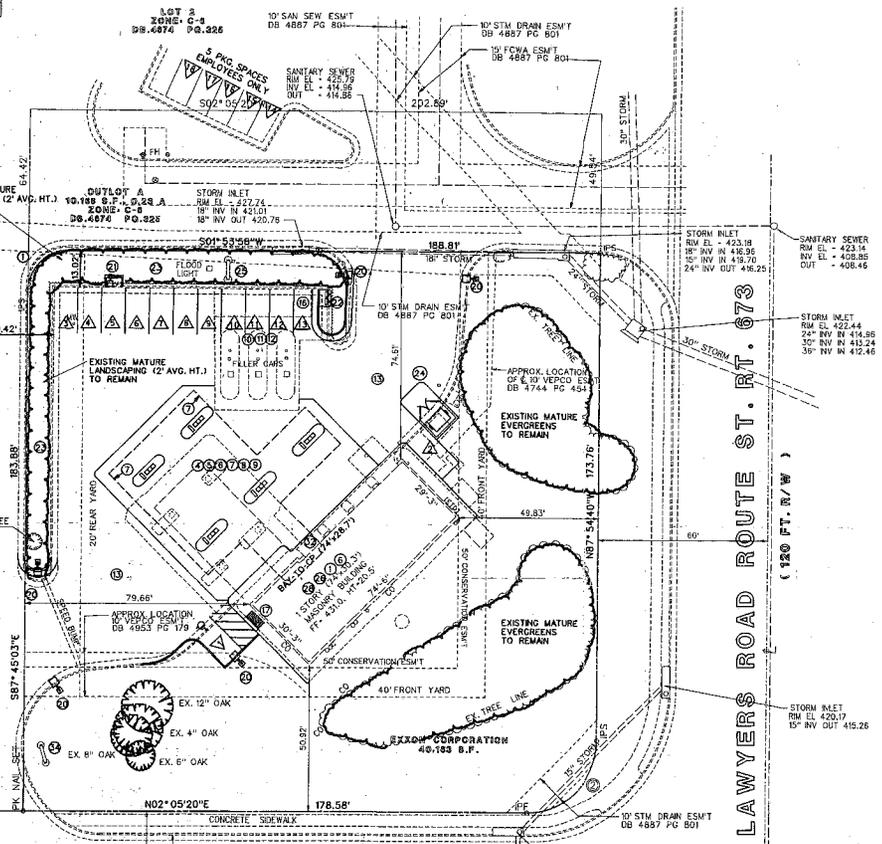
CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT
1	14.30'	89°39'01"	22.37'	14.21'
2	25.00'	90°00'00"	35.27'	25.00'



FOX MILL CENTRAL ASSOC.
LIMITED PARTNERSHIP
DB 4833 PG 1003

BENCH MARK
CIRCLED TOP
OF CURB EL 433.90



QUINCY ADAMS DRIVE ST. RT. 5345

LAWYERS ROAD ROUTE ST. RT. 673
(120 FT. R/W)

(80 FT R/W)
FOX MILL ESTATES
SECTION 8-C
ZONE: R-2
USE: RESIDENTIAL

RECEIVED
Department of Planning & Zoning

MAY 06 2016

Zoning Evaluation Division

Application No. SE 1904 Stat. 101
APPROVED SE / SP PLAN
SEE DEV COND'S DATED 7-18-95
Date of (BOC) approval 7-21-95
Sheet 1 of 1

LEGEND

ITEM NUMBER LISTED BELOW

- (P) PARKING SPACE
- (E) EXISTING TO REMAIN
- (D) EXISTING TO BE DEMOLISHED

BUILDING

1. 28,774 SQ. FT. EXISTING 3-BAY SERVICE STATION CONVERT TO GP
2. CANOPY / ISLANDS
3. CANOPY TYPE NEW 50' X 24' X 24' IS EXTENSION
4. DISPENSING EQUIPMENT
5. 4 M.P.D.'S ADVANTAGE SERIES MOUNTING
6. TRANSAIC SYSTEM (10-10)
7. 120' CANOPY FACIA SIGN
8. SIGNIFIER MARK (S)
9. CANOPY BARRIER BEAMS
10. UNDERGROUND 1" ABOVE GROUND

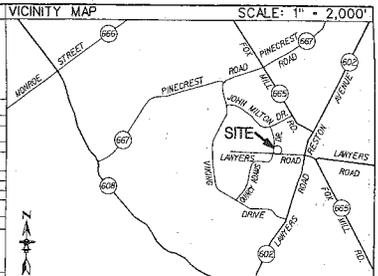
YARD AREA - TANKS ETR

11. FIBERGLASS TANKS FOR MOTOR FUEL
12. ENVIRO-TEST PRODUCT FIBERGLASS TANKS
13. STP W/LEAK DETECTORS (3) 1-1/2" DIA
14. VARIOR RECOVERY SYSTEM (STAGE II) PIPE FOR STAGE II

YARD AREA - OTHER

15. ASPHALT PAVING 4" THICK
16. CONCRETE WALKWAY SIDE
17. 6" CURB WITH 24" EXTERIOR SLOPE
18. HANGAR ROOF 4" THICK INSULATED
19. 10' X 10' WOODEN CANOPY OVER FUEL WORK AREA
20. HANGAR ACCESS RAMP - FAIRFAX COUNTY STD CODE
21. 10' X 10' WOODEN CANOPY OVER FUEL WORK AREA
22. EXISTING TELEPHONE & R/W TO BE RELOCATED
23. EXISTING LANDSCAPING CONSISTING OF MATURE SHRUBS
24. TRASH ENCLOSURE
25. EXIST. MANHOLE TO EXIST. WATER MAIN
26. EXISTING WATER SERVICE TO REMAIN
27. 3" GAS SERVICE TO REMAIN
28. 3" GAS SERVICE TO REMAIN
29. 3" GAS SERVICE TO REMAIN
30. 3" GAS SERVICE TO REMAIN
31. 3" GAS SERVICE TO REMAIN
32. 3" GAS SERVICE TO REMAIN
33. 3" GAS SERVICE TO REMAIN
34. 3" GAS SERVICE TO REMAIN
35. 3" GAS SERVICE TO REMAIN
36. 3" GAS SERVICE TO REMAIN
37. 3" GAS SERVICE TO REMAIN
38. 3" GAS SERVICE TO REMAIN
39. 3" GAS SERVICE TO REMAIN
40. 3" GAS SERVICE TO REMAIN
41. 3" GAS SERVICE TO REMAIN
42. 3" GAS SERVICE TO REMAIN
43. 3" GAS SERVICE TO REMAIN
44. 3" GAS SERVICE TO REMAIN
45. 3" GAS SERVICE TO REMAIN
46. 3" GAS SERVICE TO REMAIN
47. 3" GAS SERVICE TO REMAIN
48. 3" GAS SERVICE TO REMAIN
49. 3" GAS SERVICE TO REMAIN
50. 3" GAS SERVICE TO REMAIN
51. 3" GAS SERVICE TO REMAIN
52. 3" GAS SERVICE TO REMAIN
53. 3" GAS SERVICE TO REMAIN
54. 3" GAS SERVICE TO REMAIN
55. 3" GAS SERVICE TO REMAIN
56. 3" GAS SERVICE TO REMAIN
57. 3" GAS SERVICE TO REMAIN
58. 3" GAS SERVICE TO REMAIN
59. 3" GAS SERVICE TO REMAIN
60. 3" GAS SERVICE TO REMAIN
61. 3" GAS SERVICE TO REMAIN
62. 3" GAS SERVICE TO REMAIN
63. 3" GAS SERVICE TO REMAIN
64. 3" GAS SERVICE TO REMAIN
65. 3" GAS SERVICE TO REMAIN
66. 3" GAS SERVICE TO REMAIN
67. 3" GAS SERVICE TO REMAIN
68. 3" GAS SERVICE TO REMAIN
69. 3" GAS SERVICE TO REMAIN
70. 3" GAS SERVICE TO REMAIN
71. 3" GAS SERVICE TO REMAIN
72. 3" GAS SERVICE TO REMAIN
73. 3" GAS SERVICE TO REMAIN
74. 3" GAS SERVICE TO REMAIN
75. 3" GAS SERVICE TO REMAIN
76. 3" GAS SERVICE TO REMAIN
77. 3" GAS SERVICE TO REMAIN
78. 3" GAS SERVICE TO REMAIN
79. 3" GAS SERVICE TO REMAIN
80. 3" GAS SERVICE TO REMAIN
81. 3" GAS SERVICE TO REMAIN
82. 3" GAS SERVICE TO REMAIN
83. 3" GAS SERVICE TO REMAIN
84. 3" GAS SERVICE TO REMAIN
85. 3" GAS SERVICE TO REMAIN
86. 3" GAS SERVICE TO REMAIN
87. 3" GAS SERVICE TO REMAIN
88. 3" GAS SERVICE TO REMAIN
89. 3" GAS SERVICE TO REMAIN
90. 3" GAS SERVICE TO REMAIN
91. 3" GAS SERVICE TO REMAIN
92. 3" GAS SERVICE TO REMAIN
93. 3" GAS SERVICE TO REMAIN
94. 3" GAS SERVICE TO REMAIN
95. 3" GAS SERVICE TO REMAIN
96. 3" GAS SERVICE TO REMAIN
97. 3" GAS SERVICE TO REMAIN
98. 3" GAS SERVICE TO REMAIN
99. 3" GAS SERVICE TO REMAIN
100. 3" GAS SERVICE TO REMAIN

DETAIL



SITE TABULATION

REQUIRED	PROVIDED	REMARK
MINIMUM LOT AREA	40,000 SF.	40,163 SF.
MINIMUM LOT WIDTH	200 FT.	198 FT. NOTE 14
MAXIMUM HEIGHT	40 FT.	20.5 FT.
BUILDING	40 FT.	51 FT.
CANOPY	45' MAXIMUM	22 FT.
ANGLE OF BULK PLANE	45' MAXIMUM	< 45' SEE DETAIL
MINIMUM YARD REQUIRED:		
FRONT (LAWYERS RD)	40 FT.	50 FT.
FRONT (Q. ADAMS DR)	40 FT.	51 FT.
SIDE	NONE	74.8 FT.
REAR	20 FT.	79.8 FT.
MAXIMUM F.A.R.	0.40	0.05
OPEN SPACE	15%	51%
PARKING	13 SP.	18 SP. NOTE 5

- NOTES**
1. THIS APPLICATION REQUESTS THE REMOVAL OF THE EXISTING CANOPY AND 4 M.P.D.'S A NEW CANOPY WITH 5 M.P.D.'S WILL BE CONSTRUCTED AND THE BUILDING CONVERTED TO A QUICK SERVICE FOOD STORE.
 2. PROPOSED USE OF THE SITE IS A SERVICE STATION, AND QUICK SERVICE FOOD STORE.
 3. THIS SITE IS IDENTIFIED ON TAX MAP #25-4 (LD) 2-C AND FOUND OF RECORD IN DB 9140 PG.0093 PRESENTLY IN THE NAME OF EXXON CORPORATION. AREA OF THIS PORTION OF THE SITE IS 40,163 SQUARE FEET AND IT IS CURRENTLY ZONED AS C-6.
 4. ALL EXISTING SURFACE IMPROVEMENTS ARE TO REMAIN UNLESS OTHERWISE NOTED. THE DATE OF CONSTRUCTION FOR THE EXISTING SITE IS 1977.
 5. PARKING REQUIREMENTS ARE CALCULATED AS FOLLOWS:
SERVICE STATION:
1 BAY + 1 M.P.D. (MIN. OF 5 SHRO BAYS) - 5 SPACES
QUICK SERVICE FOOD STORE:
6.5/1000 S.F. X 1215 S.F. RETAIL SPACE - 8 SPACES
TOTAL SPACES PROVIDED (INCLUDING 14 C.) - 13 SPACES
USE LOCATION OFFSITE FOR 5 SPACES DEEDED PER DB. 9134 PG. 1900 FOR EXXON
 6. THE PROPERTY IS CURRENTLY ZONED BY PUBLIC WATER & SEWER.
 7. A STORM WATER MANAGEMENT WAIVER WILL BE APPLIED FOR DURING SITE REVIEW BY D.E.M. BECAUSE RUNOFF WILL NOT BE INCREASED. WATER QUALITY WILL BE PRESERVED AS REQUIRED BY D.E.M.
 8. THE PROPOSED F.A.R. IS CALCULATED AS FOLLOWS:
GROSS FLOOR AREA - 2,126 S.F.
TOTAL SITE AREA - 40,163 S.F.
2,154 / 40,163 - 0.05 F.A.R.
 9. EXISTING BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY PREPARED BY DEWBERRY & DAVIS, DATED OCTOBER 1993. CONTOUR INTERVAL IS 1'
 10. EXISTING VEGETATION WILL BE PRESERVED UNLESS OTHERWISE DENOTED. NO ADDITIONAL LANDSCAPING IS PROPOSED.
 11. EXISTING UNDERGROUND FUEL STORAGE TANKS WILL REMAIN IN PLACE.
 12. THERE ARE NO FLOODPLAIN ENCROACHMENTS ON THIS SITE BASED UPON RESEARCH OF THE F.E.M.A. / F.J.R.M. COMMUNITY PANEL FOR FAIRFAX COUNTY.
 13. THERE ARE NO KNOWN GRAVES OR BURIAL SITE ON THIS PROPERTY.
 14. REQUEST WAIVER OF MINIMUM LOT WIDTH REQUIREMENTS PERSUANT TO SECTION 9-610, CATEGORY 6 OF THE FAIRFAX COUNTY ZONING ORDINANCE
 15. REQUEST WAIVER OF TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS PERSUANT TO SECTION 13-304, OF THE FAIRFAX COUNTY ZONING ORDINANCE.

FOX MILL ESTATES
SECTION 8-C
ZONE: R-2
USE: RESIDENTIAL

RECEIVED
OFFICE OF DEVELOPMENT PLAN
JUN 19 1995
DWM (SECTION 8-C)



EXXON CORPORATION
Marketing Department Real Estate & Engineering

SPECIAL EXCEPTION PLAT

2601 QUINCY ADAMS DRIVE
HEATH HILL DISTRICT
FAIRFAX COUNTY, VIRGINIA

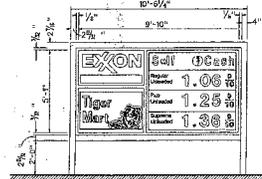
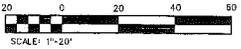
RS No: 2-7925
Scale: 1" = 20'
Date: APRIL 04, 1994
County No:

Designed By: [Signature]
D.W.
Drafted By: SHEET
D.W.
Checked By: 1 of 1
B.P.

The Plan Source
Consulting Engineers
8565-C Sudley Road • Manassas, VA 22110
(703) 330-0954 FAX (703) 335-9062

CHECKED BY: [Signature] DATE: 6-19-95

Date	Revisions	By	chk By
2-11-95	ADDED ELEVATIONS AND ANP DETAILS CO. COMMENTS	NEA/JAR	JF
3-25-95	ADD PUDDLES DOOR	GBP	BP
4-24-95	REV. PKG. LAYOUT, TRASH ENCL. LOC. & LANDSCAPE NOTES	DHW	
5-25-95	REV. CANOPY, PKG., & SPEED BUMPS	DHW	
6-14-95	REMOVED TENANT SPACE	DHW	BP



GROUND MOUNTED ID SIGN - 50 SF (TYP. OF 2)
NOT TO SCALE

DESCRIPTION OF THE APPLICATION

The applicant, Macs Retail LLC, requests approval of a Special Exception Amendment to SE 95-H-013 to permit a modification of development conditions associated with the service station/quick-service food store to allow the applicant flexibility in what products can be sold.

The applicant requests deletion of Development Condition 9 of SE 95-H-013, which states:

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 or magazines 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.

No physical site modifications or improvements are proposed and the hours of operation will continue to be limited from 5:00 am to 11:00 pm as approved in the original request.

A reduced copy of the Special Exception Amendment Plat is included at the front of this report. Copies of the proposed development conditions, applicant's statement of justification, and the affidavit are included in Appendices 1, 2, and 3, respectively.

Modifications/Waivers

Reaffirmation of a modification of transitional screening and waiver of barrier requirement along the south and west side of the property to that shown on the Special Exception Plat.

Reaffirmation of a waiver of minimum lot width requirement.

LOCATION AND CHARACTER

Site Description:

The subject property is located at 2601 Quincy Adams Drive, and is zoned C-6 (Community Retail Commercial District). The subject property is located east of Quincy Adams Drive and north of McLearn Road, in the Fox Mill Shopping Center. The

property is 40,163 square feet and is the site of an existing service station/quick-service food store. Direct access to the site is from Quincy Adams Drive and McLearen Road. Cross access from John Milton Drive is also provided through the existing shopping center. Figure 1 below depicts site configuration.



Figure 1: Aerial Photograph of the Subject Property, Source: Fairfax County Pictometry

A summary of the surrounding land use, zoning, and Comprehensive Plan recommendations is provided in the following table:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Shopping Center	C-6	Retail and other Commercial
East	Church	R-2	Residential, 1-2 du/ac
South	Single Family Detached	R-3	Residential, 1-2 du/ac
West	Single Family Detached	R-2	Residential, 1-2 du/ac

BACKGROUND:

The existing service station was established in 1977 as a by right use. On July 31, 1995, the Board of Supervisors approved SE 95-H-013, to renovate an existing service station site to include a quick-service food store, five pump islands, and a canopy. A copy of the previously approved development conditions for this

special exception can be found in Appendix 4.

On January 27, 1997, the Board of Supervisors adopted ZO-97-294 to revise the definition of Service Station, by adding a new definition of Service Station/Mini-Mart and revising the definition of Quick-Service Food Store. Service Station/Mini-Mart generally combines the service station with a building area up to 2,500 square feet and precludes the sale of alcoholic beverages, rental of video tapes and video cassette recorders, and the preparation of food. Quick-service food store may exceed 2,500 square feet but no more than 5,000 square and allow the retail sales of food and the sale of alcoholic beverages.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Plan District:	Upper Potomac Planning District
Planning Sector:	UP7 West OX
Plan Map:	Retail

DESCRIPTION OF THE SPECIAL EXCEPTION PLAT (SE PLAT)

Special Exception Plat (SE Plat):	(copy at front of staff report)
Title of Special Exception Plat:	Special Exception Plat – 2601 Quincy Adams Dr.
Prepared by:	The Plan Source
Date:	April 1994

As no site modifications are proposed, the requirement to submit a Special Exception Amendment Plat was modified to allow the previously approved plat associated with SE 95-H-013 to be submitted as the Special Exception Amendment Plat. A waiver of lot width was approved with the prior Special Exception, allowing the 198 foot lot width as opposed to the 200 foot required width, as noted below.

The previously approved Special Exception Plat illustrates site layout and tabulations, existing landscape areas, and provides a layout of the service station, parking, and canopy in relation to property boundary lines. The site includes a single parcel of land with a total of 40,163 square feet, which includes the service station and quick-service food store. The existing development is located towards the center of the parcel and includes a 22-foot tall canopy with five pump islands containing 10 fueling pumps. There are a total of 13 parking spaces on the site that are located along the northern property line, and 5 additional spaces are across a drive aisle for Foxmill Shopping Center, for employee parking. The site also provides a loading space immediately

adjacent to the existing quick-service food store, towards the southeast portion of the property.

ZONING ORDINANCE PROVISIONS ANALYSIS

General Special Exception Standards (Sect. 9-006)

Special Exception uses are subject to the general special exception standards as discussed below:

General Standards 1 & 2: *The proposed use at the specified location shall be in harmony with the adopted comprehensive plan and requires that the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The Board of Supervisors previously determined the service station and quick-service food store were in conformance with the comprehensive plan and purpose of the zoning district. The proposed application represents a modification to the development conditions to allow flexibility in what products can be sold in the quick-service food store. Staff also recommends the removal of the development condition restricting vending machines and public telephones.

General Standard 3: *The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted comprehensive plan. The location, size and buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and the use of adjacent nearby land and/or building or impair the value thereof.*

The current application carries forward improvements associated SE 95-H-013, which included an addition of a 1,431 square foot quick-service food store with specific limitations on what products can be sold. The applicant seeks permission to delete this development condition which would be consistent with the definition of a quick-service food store. The proposed modification to the development conditions would not significantly modify or intensify the current use. Staff does not anticipate that allowing the flexibility in what products can be sold will adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted comprehensive plan. The table below depicts how the site complies with the Zoning Ordinance regulations, with the exception of lot width, as previously discussed and waived in the prior approval.

C-6 (Community Retail Commercial District) Lot Requirements		
Standard	Required	Provided
Min. Lot Area	40,000 sq. ft.	40,163 sq. ft.
Min. Lot Width	200 ft.	198 ft.
Max. Building Height	40 ft.	Canopy – 22 ft. Exxon Shop – 20.5 ft.
Floor Area Ratio (FAR)	0.40	0.05
Open Space	15 percent	51 percent
Parking Spaces	13	13
Loading Space	1	1

General Standard 4: *The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

Staff evaluated the proposal to ensure that the trips generated by the deletion of a development condition would be adequately addressed. No objections regarding the deletion of the condition were raised by the Virginia Department of Transportation (Appendix 5).

General Standard 5: *In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.*

A landscaping plan was submitted and approved as a result of the Special Exception approved July 31, 1995. No deviations from that plan are proposed at this time and staff finds that there are no outstanding landscaping or screening concerns relating to this application.

Previously approved modifications of transitional screening and waiver of barrier requirement along the south and west side of the property to that shown on the Special Exception Plat is still applicable to the site.

General Standard 6: *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

In the C-6 District the applicant is required to provide 15 percent of the gross area be landscaped open space under Section 4-608. The applicant will continue to provide 51 percent of open space as noted in the approved Special Exception Plat and staff finds that there are no outstanding landscaping concerns related to this application.

General Standard 7: Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

Sect. 11-104 of the Zoning Ordinance requires that this service station/quick-service food store provide a total of 13 parking spaces. The proposed amendment does not change the required parking since there are no external building or site modifications.

General Standard 8: Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

In reviewing the application, staff did not identify any issues related to signs and therefore, staff finds that there are no outstanding signage concerns related to this application.

Standards for all Category 5 Uses (Sect. 9-503)

All Category 5 special exception uses shall comply with the lot size and bulk regulations of the zoning district in which located; shall comply with the performance standards specified for the zoning district in which located; and shall be subject to the provisions of Article 17, Site Plans.

Conformance of the proposal with the Standards for all Category 5 Uses was evaluated under the previous Special Exception application. The SEA request includes no external building or site modifications associated with the proposal. Staff believes that these standards continue to be met. All other previously approved development conditions will be carried forward.

Additional Standards for Automobile-Oriented Uses (Sect. 9-505)

The additional standards require that the proposal: have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated; shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties; shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation; shall provide and locate parking and stacking spaces in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site; in reviewing such a use or combination of uses, shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare, or other operational factors; shall be an integral design element for a site plan of an industrial building or building complex containing not less than 30,000 sq. ft. of

gross floor area; and shall have no Building Permit approved unless a Building Permit has been approved for the related industrial building(s).

Conformance of the proposal with the Additional Standards for Automobile-Oriented Uses was evaluated under the previous Special Exception application. There are no external building or site modifications associated with the proposal. Staff believes that these standards continue to be met. All other previously approved development conditions will be carried forward.

MODIFICATIONS/WAIVERS

The Board of Supervisors previously approved a modification of transitional screening and a waiver of barrier requirement along the south and west side of the property to that shown on the Special Exception Plat. As there are no changes proposed to the building or landscaping, staff does not object to their reaffirmation.

The Board of Supervisors previously approved a waiver of minimum lot width requirement. As there are no changes proposed to the building or landscaping, staff does not object to its reaffirmation.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the proposal would be in conformance with the Comprehensive Plan and the applicable Zoning Ordinance provisions. Furthermore, there are no external building or site modifications associated with the proposal; therefore, staff does not believe that the change in conditions to the previous approval to allow the sale of the requested items to be sold on site will have a negative impact on the surrounding area.

Recommendations

Staff recommends approval of SEA 95-H-013, subject to the proposed development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this application does not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification
3. Affidavit
4. SE 95-H-013 - Development Conditions
5. Virginia Department of Transportation Analysis
6. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS**SEA 95-H-013****January 4, 2017**

If it is the intent of the Board of Supervisors to approve SEA 95-H-013, located at Tax Parcel 25-4 ((1)) 02 C for use as a service station/quick-service food store pursuant to Section 4-604 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

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. This Special Exception is subject to the provisions of Article 17, Site Plans, as determined by the 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 2601 Quincy Adams Drive, Hunter Mill Magisterial District and prepared by The Plan Source which is dated April 4, 1994, as revised through June 19, 1995, and these conditions.
4. A copy of these development conditions shall be posted in a conspicuous place on the property and be made available to all department of the County of Fairfax and be available for review during the hours of operation of the permitted use.
5. Supplemental landscaping shall continue to be provided within the 50 foot wide conservation easement to provide a continuous year-round screen of vegetation. All landscaping shall be maintained and all dead or diseased landscaping shall be replaced on a regular basis.
6. The hours of operation of the service station and quick-service food store shall not exceed 5:00 am until 11:00 pm, seven days a week.
7. The parking spaces located in the off-site parking area shown on the Special Exception Plat shall be restricted to employee parking. These spaces shall be striped and/or posted for use by employees only.

8. The retail sale area of the quick-service food store shall be limited to a maximum area of 1,215 square feet.
9. A stop sign for exiting traffic and a speed bump shall be installed at both access points to the site, subject to the approval of DPWES.
10. All litter on the site shall be picked up at least twice daily, including all the green area within the 50 foot wide conservation easement fronting on Lawyer's Road and Quincy Adams Drive.
11. All truck deliveries, including fuel and trash pickup, to the site shall occur between 8:00 am, and 9:00 pm only.
12. A pro rata contribution shall be made to any security program developed by the management of the Fox Mill Shopping Center which includes the site.
13. "No Loitering" signs shall be posted on the service station structure and a no loitering policy shall be enforced on all areas of the site.

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 of Supervisors.

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.

SEP 23 2016

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION**2601 Quincy Adams Drive**

This service station is presently conditioned to disallow a microwave and to limit food sales to only prepackaged items normally dispensed from vending machines. Additionally, it is conditioned to disallow the operator to sell alcoholic beverages even though it is allowable by Virginia ABC.

This condition is historically based on the sentiment that Gas businesses shall not sell food and Food businesses shall not sell gas. Times and sentiments have changed over the last thirty years and the applicant now requests a Special Exception Amendment to remove these conditions.

This proposed condition amendment does not affect the physical building or site infrastructure. We therefore, request a waiver of the typical site layout plan associated with new applications. This application relies on the record SE plans on file.

The following information is pertinent to the use and operation. The below information upholds the current zoning as no changes are proposed:

- a. **Type of Operation:** Service Station. Quick Service Food Store. Reaffirm for fast food restaurant and waiver of lot size requirements
- b. **Hours of Operation:** 5 am to 11pm, daily
- c. **Estimated number of patrons:** 750 per day
- d. **Proposed number of employees:** Four
- e. **Estimated Traffic Impact of proposed use, including maximum expected trip generation:** 900 VPD
- f. **Vicinity of General Area to be served by the use:** Existing Shopping Center users and surrounding Residential patrons
- g. **Description of building facade and architecture or proposed new building or additions:** Brick store fascia, canopy columns and glass storefront. Shingled mansard roof as per existing condition.
- h. **A listing, if known, of all hazardous or toxic substances to be generated, utilized, stored, treated and /or disposed or on site and the size and contents of any existing or proposed storage tanks or**

containers: Primarily gasoline product. Underground, double walled storage tanks exist on the property.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 10/14/2016
 (enter date affidavit is notarized)

I, Bhoopendra Prakash, agent, do hereby state that I am an
 (enter name of applicant or authorized agent)

136885

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): SEA 95-H-013
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
MACS Retail LLC	8020 Park Lane, Dallas, TX 75231	Owner/ Applicant
The Plan Source, Inc Bhoopendra Prakash, President	8565 D Sudley Road, Manassas, VA 20110	Agent for Applicant and Title Owners

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: 10/14/2016
(enter date affidavit is notarized)

136885

for Application No. (s): SEA 95-H-013
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

MACS Retail LLC
8020 Park lane, Dallas, TX 75231

DESCRIPTION OF CORPORATION: (check one statement)

- [X] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Sole Member: Mid-Atlantic Convenience Stores, LLC

(check if applicable) [X] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: 10/14/2016
(enter date affidavit is notarized)

136885

for Application No. (s): SEA 95-H-013
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Mid-Atlantic Convenience Stores, LLC
8020 Park Lane, Dallas, TX 75231

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Susser Petroleum Property Company LLC, Sole Member

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Susser Petroleum Property Company LLC, Sole Member

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Susser Petroleum Operating Company LLC, Sole Member

(check if applicable)



There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 10/14/2016
(enter date affidavit is notarized)

136885

for Application No. (s): SEA 95-H-013
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Susser Petroleum Operating Company LLC
8020 Park Lane, Dallas, TX 75231

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Sunoco LP, Sole member

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

The Plan Source, Inc.
8565D Sudley Road, Manassas, VA 20110

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Bhoopendra Prakash

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 10/14/2016
(enter date affidavit is notarized)

136885

for Application No. (s): SEA 95-H-013
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
Sunoco LP
8020 Park Lane, Dallas, TX 75231

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

Sunoco LP is a master limited partnership consisting of numerous investors and publicly traded on the NYSE

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 10/14/2016
(enter date affidavit is notarized)

136885

for Application No. (s): SEA 95-H-013
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

[] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) [] There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 10/14/2016
(enter date affidavit is notarized)

136885

Application No.(s): SEA 95-H-013
(county-assigned application number(s), to be entered by County Staff)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) Applicant Applicant's Authorized Agent

BHOPEENDRA PRASADH
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 14 day of October 2016 in the State/County of Virginia, County/City of Fairfax.

Oscar A Garcia
Notary Public



My commission expires: 03/31/2020



FAIRFAX COUNTY

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

Tel: 703-324-3151 Fax: 703-324-3926

V I R G I N I A

August 15, 1995

Jay du Von, Esquire
Compton and Duling, LC
14914 Jefferson Davis Highway
Woodbridge, Virginia 22191

RE: Special Exception
Number SE 95-H-013

Dear Mr. du Von:

At a regular meeting of the Board of Supervisors held on July 31, 1995, the Board approved Special Exception Number SE 95-H-013 in the name of Exxon Corporation, located at Tax Map 25-4 ((1)) 2C to renovate an existing service station site to include a quick service food store, five (5) pump islands, and a canopy pursuant to Section 4-604 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

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. This Special Exception is ~~subject~~ subject to the provisions of Article 17, Site Plans, as determined by the Department of Environmental Management (DEM). Any plan submitted pursuant to this Special Exception shall be in conformance with the approved Special Exception Plat entitled 2601 Quincy Adams Drive, Hunter Mill Magisterial District and prepared by The Plan Source which is dated April 4, 1994, as revised through June 19, 1995, and these conditions.

SE 95-H-013

August 15, 1995

2.

4. Supplemental landscaping shall be provided within the 50 foot wide conservation easement as determined by the Urban Forester to provide a continuous year-round screen of vegetation. A landscaping plan shall be submitted at the time of site plan review, subject to the review and approval of the Urban Forester, in consultation with the Fox Mill Estates Civic Associations, which includes a landscaped berm up to four (4) feet (4') in height at the Quincy Adams Drive entrance. All landscaping shall be maintained and all dead or diseased landscaping shall be replaced on a regular basis.
5. The hours of operation of the service station and quick service food store shall not exceed 5:00 am until 11 p.m., seven days a week.
6. The parking spaces located in the off-site parking area shown on the Special Exception Plat shall be restricted to employee parking. These spaces shall be striped and/or posted for use by Exxon employees only.
7. The retail sale area of the quick service food store shall be limited to a maximum area of 1,215 square feet.
8. All signs shall be provided in accordance with Article 12 of the Zoning Ordinance.
9. 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 or magazines 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.
10. A stop sign for exiting traffic and a speed bump shall be installed at both access points to the site, subject to the approval of DEM.
11. All litter on the site shall be picked up at least twice daily, including all the green area within the 50 foot wide conservation easement fronting on Lawyer's Road and Quincy Adams Drive.
12. All truck deliveries, including fuel and trash pickup, to the site shall occur between 8:00 a.m. and 9:00 p.m. only.

SE 95-H-013

August 15, 1995

3.

13. A pro rata contribution shall be made to any security program developed by the management of the Fox Mill Shopping Center which includes the site.
14. "No Loitering" signs shall be posted on the service station structure and a no loitering policy shall be enforced on all areas of the site.
15. Vending machines or public telephones shall not be permitted on the site.
16. Air and water for vehicular use by customers shall be provided.
17. The existing wood sheds shall be removed within sixty (60) days from the date of approval of this application by the Board of Supervisors.
18. A copy of these development conditions shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax and be available for review during the hours of operation of the permitted use.

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 the use has been established or construction has commenced and been diligently prosecuted. 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.

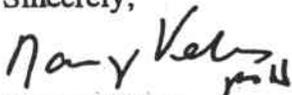
The Board also modified the transitional screening and barrier requirements along the southern and western perimeters of the site in favor of that shown on the Special Exception Plat, and as further stipulated in these development conditions.

SE 95-H-013
August 15, 1995

4.

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division of the Office of Comprehensive Planning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs

Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvs., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Frank Jones, Assistant Chief, ZPRB, OCP
Audrey Clark, Chief, Inspection Srvs., BPRB, DEM
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Robert Moore, Trnsprt'n. Planning Dvs., Office of Transportation
Paul Eno, Project Planning Section, Office of Transportation
Department of Environmental Management
Y. Ho Chang, Resident Engineer, VDOT
Land Acq. & Planning Dvs., Park Authority



COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION

Charlie Kilpatrick
COMMISSIONER

4975 Alliance Drive
Fairfax, VA 22030

October 5, 2016

To: Ms. Barbara Berlin
Director, Zoning Evaluation Division

From: Noreen H. Maloney
Virginia Department of Transportation – Land Development Section

Subject: SEA 95-H-013; Exxon Corporation

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

This office has reviewed the subject application and offers the following comment.

- The application will have no impact on peak hour traffic.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan, or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBa: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBa value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

QUICK-SERVICE FOOD STORE: Any building, except a service station or service station/mini-mart, which contains less than 5000 square feet of net floor area and which is used for the retail sale of food or food and other items.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SERVICE STATION/MINI-MART: Building and premises for a combination service station and retail sales of food and other items, with the building area limited to a maximum gross floor area of 2500 square feet, excluding any automotive service or repair areas. In addition, there may be fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. Sales of alcoholic beverages, rental of video tapes and video cassette

recorders, and the preparation of food, other than that allowed in a Limited Food-Service Establishment pursuant to Chapter 43.1 of The Code, shall not be permitted; provided, however, that the use of microwave ovens by customers for purchased food items is allowed. A service station with retail sales of food and/or other items in excess of 2500 square feet of gross floor area, exclusive of automotive service or repair areas, shall be deemed a service station and quick-service food store.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		