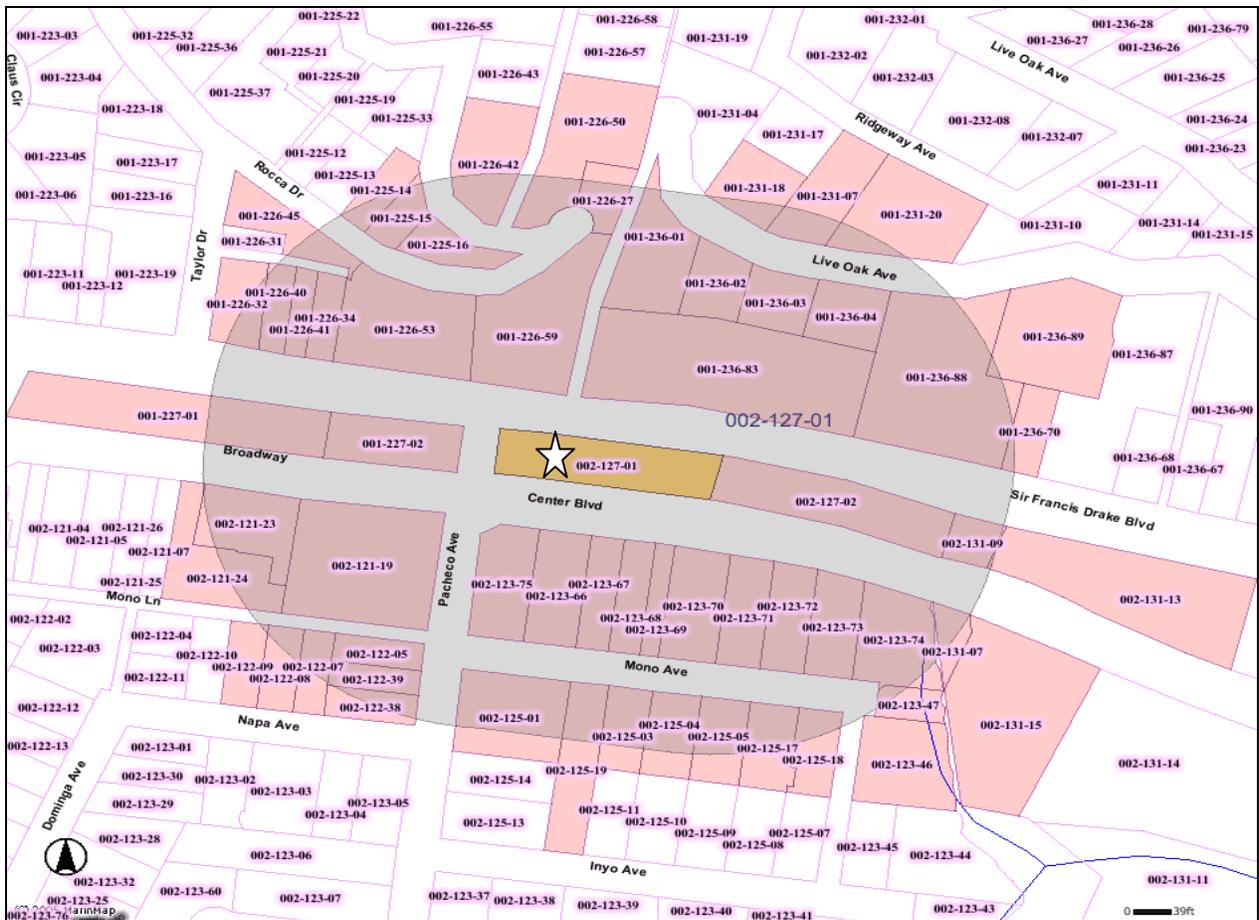


**TOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission  
**DATE:** March 15, 2012  
**FROM:** Jim Moore, Director of Planning and Building Services  
 Linda Neal, Senior Planner  
**LOCATION:** 1789 Sir Francis Drake Blvd.; Assessor's Parcel No. 002-127-01  
**PROJECT:** Expansion of an existing gasoline station kiosk  
**ACTION:** Design Review; Application # 12-01  
**ZONING:** Highway Commercial CH Zone District  
**APPLICANT:** Laura Kehrlein and Fred Divine, Fredric Divine Associates, Architects  
**OWNER:** Dusty Divine  
**CEQA STATUS:** Categorically exempt, § 15301(e)(1)



**1789 SIR FRANCIS DRAKE BOULEVARD**

## **BACKGROUND**

The 11,611 square foot site is level and currently developed with a Service station. On September 12, 1966, the Fairfax Town Council approved a use permit to allow the operation of a Mobile gasoline station at 1789 Sir Francis Drake Boulevard subject to the owner refraining from parking his tow truck on the westerly corner of the site.

The station was redesigned several times over the years most recently in 2002 when the Town approved a design change for the current pumps, canopies and the new kiosk. The Town granted an encroachment permit on August 7, 2002 for a corner of one of the canopies that extends into the Center Boulevard right-of-way.

Over the years getting the various station owners to adequately maintain the landscaping has been an ongoing challenge.

On February 16, 2012 the Planning Commission approved a modification to the Use Permit to allow expansion of the kiosk structure to accommodate the sale of snack foods.

## **DISCUSSION**

The applicants are proposing a 199 square foot expansion of the 223 square foot gas station kiosk including exterior trellis work on the northern and eastern sides of the building over the door to the bathroom and the door into the main room of the kiosk and over the windows. They are also proposing to erect a sign on the southern side of the building facing Center Boulevard that will include a trellis covered frame to complement the existing monument sign, the station canopy trellises and the building trellises. The building expansion will be painted to match the existing building and the trellises will be stained to match the existing trellises.

The exterior utilities and mechanical equipment on the south side will be painted to match the existing building (Exhibit A – e-mail from project architect dated 3/2/12).

### **Parking**

Currently existing on the site are three parking spaces. Two parking spaces, including an accessible space, are located next to the kiosk, and 1 space are next to the garbage container and the air/water pumps. The expansion would result in the elimination of the 1 standard parking space next to the kiosk while the handicapped space would remain and the standard space next to the air/water pumps would also be retained.

Town Code § 17.096.120(B)(2)(a) sets forth the parking requirements for uses in the Highway Commercial CH Zone District as follows:

One parking space for each 200 square feet, or fraction thereof, of gross floor area occupied by the principal use. Based on this requirement the expanded 422 square foot building requires two parking spaces to comply with the code and they are provided.

### **Landscaping and Site Maintenance**

The landscaping on the site was recently upgraded with the installation of new plant material which appears to be doing well. However, routine landscape maintenance is not happening and

weeds are thriving. Also, the guard rail at the rear of the property and lattice is dilapidated and in need of repair and painting. The garbage enclosure is also damaged with one of the doors off the hinges.

In the past the Town has required, as a condition of use permit modification for this site, the submittal of cash deposits to the Town in the amount of \$8,000 and the submittal to the Town of a landscape maintenance contract with a reputable, licensed landscaping firm. These conditions were placed upon the discretionary permit in an attempt to try and have this site maintained to the same standard as gas stations in other communities and to date we have not been successful. 1789 Sir Francis Drake Boulevard is a visually significant gateway site located on Sir Francis Drake Boulevard which is identified as a scenic highway in the Fairfax General Plan (Scenic Highways Element 2.0.0). As such, properties along Sir Francis Drake should be maintained to industry standards.

## **Signs**

Town Code § 17.064.050 sets forth the permanent identification sign regulations and limits each business to 2 signs as long as one is a projecting sign. The total sign square footage for the 2 signs is one square foot for each linear foot of building frontage. The building frontage is 28 feet so the business is allowed a total sign square footage of 28 square feet.

This business already has been granted an exception to the sign ordinance regulations for the 19 square foot monument sign that displays the business name and the current gasoline prices and is visible from Sir Francis Drake Boulevard [Town Code § 17.064.060(G)].

The Town Code is silent on the matter of which side of a building the business identification signs must be located on. There are currently no business identification signs on the building.

The sign proposed for the south side of the building will display the business identification name, Northbay Gas and will use the same color scheme as the freestanding monument sign. The sign will be lit from above with a shaded down-pointed lighting fixture. The sign will result in the total sign square footage for the site being 31 square feet. Therefore, the proposed sign requires an exception to the sign ordinance regulations which limits the total sign square footage to 28 square feet.

In order to approve an exception to the Sign Ordinance the Commission must be able to make one of the following findings:

1. Exceptional or extraordinary circumstances or conditions, not resulting from any act of the owner or applicant, apply to the location under consideration and not generally to other business or property in the vicinity;
2. The exception is the minimum necessary to serve the signs intended use;
3. The application submitted is extraordinary and outstanding in design; or
4. The sign is of historical significance.

## **Design Review**

Town Code § **Section 17.020.040 Design Review Criteria**

The following criteria shall be applied in considering an application for design review approval:

1. The proposed development shall create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.
2. Only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered; these elements may include height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances.
3. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
4. The proposed development shall conform with all requirements for landscaping, screening, usable open space and the design of parking and off-street loading areas set forth in this title.
5. Where the proposed development is located in an area where a neighborhood plan or precise plan has been adopted by the town, the design of the development shall conform in all significant respects with such plans (***Not applicable – there is no adopted neighborhood plan for this area***).
6. There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance.
7. The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance.
8. The extent to which the structure conforms to the general character of other structures in vicinity insofar as the character can be ascertained and is found to be architecturally desirable.
9. The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used.
10. The extent to which natural features, including trees, shrubs, creeks and rocks, and the natural grade of the site are to be retained.
11. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.
12. The reservation of landscaping areas for the purpose of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, separating or screening parking lots from the street and adjoining building sites, and separating building areas from paved areas to provide access from buildings to open space areas;
13. In the case of any commercial or industrial structure, the board shall consider its

proximity to any residential district and shall consider the effect of the proposed structure upon the character and value of the adjacent residential district area.

14. The design review board may recommend design guidelines to the planning commission and town council for adoption in order to further the objectives of this section and to illustrate design criteria.

## **RECOMMENDATION**

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to approve a modification of the existing Use Permit, application # 12-01 based on the following findings and subject to the following conditions:

### Recommended findings

The small expansion of the kiosk will not increase the parking requirement beyond the 2 spaces required by the Code. The expansion will not impact circulation of cars or delivery trucks on the site. Therefore approval of the Use Permit will not constitute a grant of special privilege. Therefore, the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not be impacted by the project.

The design of the kiosk expansion and proposed sign will complement the existing development of the site through the incorporation of trellis details similar to the trellis design of the canopies over the gasoline pumps. Therefore, the proposed development shall create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community and the proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.

The site is surrounded on three sides by public streets and currently only has one sign that faces Sir Francis Drake Boulevard. There is no sign facing Center Boulevard to alert passers-by to the type of business at 1789 Sir Francis Drake Boulevard. This is the special circumstance beyond the owners control that warrants the approval of an exception to the sign ordinance to have a total sign square footage of 31 square feet with the sign facing Center being only 12 square feet in size.

### **Recommended conditions**

Prior to issuance of the building permit for the expansion:

1. The applicants shall provide the Town with a landscaping deposit that will cover 1 year of landscaping services in the event that the landscaping on the site is not maintained. They shall also provide evidence that they have entered into a 1 year landscape maintenance contract with a licensed landscape contractor. The amount of the deposit will be equal to a landscaping services estimate provided to the business by a licensed landscape contractor. If, after a year, the business has shown a good faith effort to maintain the site this amount will be refunded.

2. The guardrail at the rear of the site and the garbage enclosure shall be repaired and painted.

## **ATTACHMENTS**

Plans

E-mail from the project architect dated 3/2/12