



SE APPLICATION FILED: January 23, 2006  
PLANNING COMMISSION: July 27, 2006  
BOARD OF SUPERVISORS: July 31, 2006 @ 3:00 P.M.

# County of Fairfax, Virginia

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July 19, 2006

## STAFF REPORT

# CRD

APPLICATION SE 2006-MV-001  
(CONCURRENT WITH PCA 2006-MV-005 & SE 2006-MV-013)

### MOUNT VERNON DISTRICT

**APPLICANT:** Pace-Boswell Associates, LLC

**PRESENT ZONING:** C-8, HC, CRD

**PARCEL(S):** 102-1 ((7)) (4) 26 & 28

**ACREAGE** 1.49 acres

**FAR:** 0.22 FAR

**OPEN SPACE:** 13%

**COMPREHENSIVE PLAN:** Retail and office use.

**SE CATEGORIES:** Category 5; Drive through pharmacy  
Category 6; Waiver of Open Space

**SE PROPOSALS:** Request to allow a 14,550 square foot drive-through pharmacy within the Richmond Highway Commercial Revitalization District (SE 2006-MV-001).

**WAIVERS/MODIFICATIONS:** Waiver of the service drive requirement  
Modification of the transitional screening and barrier requirements  
Waiver of the open space requirement

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#### 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/](http://www.fairfaxcounty.gov/dpz/)

## **STAFF RECOMMENDATIONS:**

Staff recommends approval of SE 2006-MV-001, subject to the development conditions contained in Appendix 2.

Staff recommends approval of the waiver of the service drive requirement.

Staff recommends approval of the modification of the transitional screening and barrier requirements.

Staff recommends approval of the waiver of the open space requirement.

It should be noted that it is not the intent of the 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.

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.

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 7 days advance notice.  
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



# County of Fairfax, Virginia

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July 19, 2006

## STAFF REPORT

# CRD

**APPLICATION PCA 2006-MV-005  
(CONCURRENT WITH SE 2006-MV-001 & SE 2006-MV-013)**

### MOUNT VERNON DISTRICT

**APPLICANT:** Pace-Boswell Associates, LLC

**PRESENT ZONING:** R-2, C-8, HC, CRD

**PARCEL(S):** 102-1 ((7)) (4) 26, 28, & 30

**ACREAGE:** 2.01 acres  
1.49 acres (C-8, HC, & CRD)  
0.52 acres (R-2 & HC)

**COMPREHENSIVE PLAN:** Retail and office use (C-8 portion).  
Suburban Neighborhoods (R-2 portion).

**PCA PROPOSAL:** To establish proffers on the application property totaling 2.01 acres, to ensure that the portion zoned R-2 will remain as landscaped open space and that the portion zoned C-8 will be limited to development of a drive-through pharmacy, retail, office, public use, business, personal and repair service establishments, financial institutions or a veterinary hospital use.

### STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 2006-MV-005, subject to the execution of proffers consistent with those contained in Appendix 1.

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Staff recommends approval of SE 2006-MV-001, subject to the development conditions contained in Appendix 2.

Staff also recommends approval of SE 2006-MV-013, subject to the development conditions contained in Appendix 3.

Staff recommends approval of the waiver of the service drive requirement.

Staff recommends approval of the modification of the transitional screening and barrier requirements.

Staff recommends the approval of the waiver of the open space requirement.

It should be noted that it is not the intent of the 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.

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**SE APPLICATION FILED:** June 21, 2006  
**PLANNING COMMISSION:** July 27, 2006  
**BOARD OF SUPERVISORS:** July 31, 2006 @ 3:00 P.M.

# County of Fairfax, Virginia

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July 19, 2006

## STAFF REPORT

**APPLICATION SE 2006-MV-013  
(CONCURRENT WITH PCA 2006-MV-005 & SE 2006-MV-001)**

### MOUNT VERNON DISTRICT

**APPLICANT:** Pace-Boswell Associates, LLC

**PRESENT ZONING:** R-2, HC

**PARCEL(S):** 102-1 ((7)) (4) 30

**ACREAGE** 0.52 Acres

**OPEN SPACE:** 92%

**COMPREHENSIVE PLAN:** Residential.

**SE CATEGORY:** Category 6; Driveway for Uses in a C or I District

**SE PROPOSAL:** Request to permit a driveway (by pass lane) to serve a drive-through pharmacy use in a C District on a 0.04 acre portion of the subject property zoned R-2.

### STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2006-MV-013, subject to the development conditions contained in Appendix 3.

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It should be noted that it is not the intent of the 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.

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.

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.



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For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATIONS**

<b>PCA Proposal:</b>	Establish proffers on the approximately 2.01 acre subject property to ensure that the 0.52 acre portion zoned R-2 will remain as a transitional landscape buffer area; and to ensure that the 1.49 acre portion zoned C-8 will be limited to the development of certain by-right C-8 District uses or a drive-through pharmacy in accordance with the Generalized Development Plan/Special Exception Plat.
<b>SE Proposals:</b>	<p>SE 2006-MV-001: Request for approval of a Category 5 Special Exception for a drive-through pharmacy, in a Highway Corridor Overlay District and a Commercial Revitalization District, with one drive through window, on 1.49 acres of the subject property currently zoned C-8. The proposed FAR for the C-8 portion of the property is 0.22.</p> <p>SE 2006-MV-013: Request for approval of a Category 6 Special Exception to permit a driveway for the drive-through pharmacy in a C District on 0.04 acres of the 0.52 acres of the subject property currently zoned R-2.</p>
<b>Proposed Hours:</b>	The proposed hours of operation are twenty-four hours per day, seven days a week.
<b>Waivers and Modifications:</b>	SE 2006-MV-001:  Waiver of the service drive requirement Modification of the transitional screening and barrier requirements Modification of the open space requirement

## LOCATION AND CHARACTER

### Site Description:

The site is a corner lot located on the east side of Richmond Highway (Route 1), at the intersection with Boswell Avenue (Route 826). The entire subject property consists of three lots totaling 2.01 acres, and is located within the Highway Corridor Overlay District. The zoning for the subject property is R-2 (Residential; 2 du/ac) and C-8 (Highway Commercial). The R-2 portion of the site consists of one lot totaling 0.52 acres and the C-8 portion consists of two lots comprising 1.49 acres; the C-8 portion of the subject property is also located within the limits of the Richmond Highway Commercial Revitalization Overlay District. Commercially zoned and developed properties abut the site to the immediate north and south; commercial and retail development, including South Valley Shopping Center and Mount Vernon Plaza, are situated across Richmond Highway to the immediate west. The Hybla Valley Farms residential neighborhood abuts the site to the east, which is characterized by single family detached dwelling units.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Veterinary Clinic	C-8, HC, CRD	Retail & Office Use
<b>South</b>	Vacant Property (Opposite corner of Boswell Avenue and Richmond Highway)	C-8, HC, CRD	Mixed Use
<b>East</b>	Single Family Detached Residential (Hybla Valley Farms)	R-2	Suburban Neighborhoods
<b>West</b>	Retail (Shopping Center)	C-6, HC, CRD	Mixed Use

## BACKGROUND

### Site History:

The subject property consists of three separate lots, two of which front on Richmond Highway and are zoned C-8 (Highway Commercial), and a third lot which fronts on Boswell Avenue and is zoned R-2 (Residential; 2 du/ac). The existing C-8 portions of the site are developed, with the vacant Dunkin' Donuts (a fast food restaurant with drive-through) situated on Lot 28, located on the immediate corner of Richmond Highway and Boswell Avenue, and Dak's Lounge (an eating establishment) located on the adjacent Lot 26 directly north, with frontage on Richmond Highway. Both single story structures are proposed to be

demolished, and are connected by an existing service drive that runs parallel with Richmond Highway along the western property line. The R-2 portion of the subject area is characterized by a heavily wooded lot, with a single family detached dwelling unit located on the front portion of the lot. This dwelling is also proposed for demolition as a part of this application.

On July 30, 1984, the Board of Supervisors approved SE 84-V-026, a request to allow a restaurant with a drive-through window, a Dunkin' Donuts, on Lot 28 located on the immediate corner of Richmond Highway and Boswell Avenue. The approval of the Special Exception also included a waiver of the minimum lot size for the C-8 District, and incorporated fifteen (15) development conditions that contained, among other items, provisions limiting left hand turns onto Boswell Avenue and improvements on the same. Appendix 6 contains the Clerk to the Board's letter regarding the approval of SE 84-V-026 with the development conditions.

There have been no other previous requests for special permits, rezonings or variances on the subject property.

## **COMPREHENSIVE PLAN PROVISIONS** (*Appendix 7*)

### **C-8 Portions of the Subject Property:**

<b>Plan Area:</b>	Area IV
<b>Planning District:</b>	Mount Vernon
<b>Planning Sector:</b>	Richmond Highway Corridor Area, Hybla Valley/Gum Springs Community Business Center – Sub-unit B-4
<b>Plan Map:</b>	Town-house style, or well designed retail and office use up to 0.50 FAR
<b>Plan Text:</b>	

The Comprehensive Plan, Area IV, Mt. Vernon Planning District, as amended through April 25, 2005, in the Richmond Highway Corridor Area, Sub-unit B-4 of the Hybla Valley/Gum Springs Community Business Center states the following beginning on page 44:

#### **Sub-unit B-4**

*Sub-unit B-4 includes all contiguous commercially-zoned property on the east side of Richmond Highway between Woodlawn Trail and Boswell Avenue and is planned for townhouse-style or well-designed retail and office use up to .50 FAR with maximum building heights of 40 feet. Substantial consolidation should be*

*achieved to create a unified, coordinated development. Special attention should be given to mitigation of commercial development impacts on the adjacent Hybla Valley Farms through effective screening and other transition techniques. Access should be consolidated and oriented to Richmond Highway.*

**R-2 Portion of the Subject Property:**

<b>Plan Area:</b>	Area IV
<b>Planning District:</b>	Mount Vernon
<b>Planning Sector:</b>	MV5 – Groveton Community Planning Sector
<b>Plan Map:</b>	Suburban Neighborhoods
<b>Plan Text:</b>	

The Comprehensive Plan, Area IV, MV5 Groveton Community Planning Sector, as amended through April 25, 2005, states the following beginning on page 133:

*Low density, single-family residences comprise the major land use within this sector. However, there is a wide range of types and sizes within the single-family housing. Two sizable mobile home parks and a large apartment development are located in this sector as well. The northern portion of the Gum Springs Conservation Area and the Gum Springs Redevelopment Area are located in Sector MV5. There is an urgent need for community parkland in the western portion of the sector.*

**Memorial Heights, Bucknell Heights, Calvert Park, and Hybla Farms Community Areas**

*Community Improvement Plans are adopted by the Board of Supervisors to upgrade and preserve neighborhoods by installing curbs and gutters, and making sidewalk, road, and stormwater drainage improvements. Homeowners participated in the design of improvements and shared in the cost.*

*The Hybla Valley Farms Community Improvement Area, adopted on April 9, 1984, includes lots located along both sides of Woodlawn Trail, Boswell Avenue, Schellhorn Road, Frances Drive, Brentwood Place and Delafield Place.*

**CONCEPT FOR FUTURE DEVELOPMENT**

*The Concept for Future Development recommends the western portions of this sector as the Beacon/Groveton and Hybla Valley/Gum Springs Community Business Centers. The remainder of the sector is recommended to develop as Suburban Neighborhoods.*

### RECOMMENDATIONS – LAND USE

*The Groveton Community Planning Sector contains stable residential neighborhoods. Infill development in this sector should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.*

## ANALYSIS

### **Generalized Development Plan / Special Exception Plat** (Reduction at front of report)

**Title of GDP/SE Plat:** Walgreens - Generalized Development Plan/Special Exception Plat

**Prepared By:** Bohler Engineering, P.C.

**Original and Revision Dates:** August 11, 2005 as revised through July 12, 2006

The combined GDP/SE Plat consists of seven sheets. **Sheet 1** is a title sheet, which includes an index and vicinity map, and a list of waivers requested pursuant to this application. **Sheet 2** shows the existing conditions, including the existing vegetation map. **Sheet 3** shows the proposed development of the SE portion of the subject property with a new building footprint and drive-through area, along with the R-2 portion of the site that will remain primarily open space. **Sheet 4** shows the overall development layout for the subject property, including the landscape plan for both the R-2 portion of the subject property and the C-8 portion. **Sheet 5** is the stormwater management plan for the site. **Sheet 6** depicts the west and south elevations of the proposed building, and sign details. **Sheet 7** is the proposed lighting plan for the site.

The following features are depicted on the GDP/SE Plat:

- *Building & Architecture:* The applicant proposes a one-story building, with a total gross floor area (GFA) of approximately 14,550 square feet, and a height of 27 feet. The pedestrian entrance to the building is located on the southwest corner of the building, catty-cornered towards Richmond Highway. A canopy is shown on the east elevation of the building over the window area for the single lane drive-through.

Sheet 6 of the GDP/SE Plat shows a building with architectural details of the south and west elevations. Although the elevations do not indicate the proposed materials, it appears to be block and brick construction. The roof treatments above the entrance and the drive-through canopy appear to be

standing seam metal. The entrance façade consists of an automated double entry door with a large window treatment above the doors.

- *On-site Access:* Interparcel access exists to the C-8 property to the north (Tax Map #93-3-((2))-04-25; existing veterinary hospital), perpendicular to a proposed relocated ingress/egress access point from Richmond Highway. The drive-through is located on the east elevation of the building, and patrons will enter the drive-through lane at the southeast corner of the site, and exit along the northeast corner.
- *Off-site Access:* The GDP/SE Plat shows a large, existing entrance onto Richmond Highway, centered on the property line between the two lots in the C-8 portion of the subject property. There is also an existing entrance into the commercial property along Boswell Avenue, which was conditioned pursuant to the 1984 Special Exception approval for Dunkin' Donuts to prohibit left turns from the site onto Boswell Avenue.

The applicant is proposing to close the existing entrances along Richmond Highway and to replace them with a smaller, thirty (30) foot wide right-in/right-out entrance at the northwest corner of the site, adjacent to the interparcel access to the north. The GDP/SE Plat also shows a right turn lane into this entrance off of Richmond Highway, which will require a waiver of design standards from the Virginia Department of Transportation (VDOT). The Boswell Avenue entrance will remain, but with the possibility of a median to be added in the future, as determined by VDOT and the Fairfax County Department of Transportation, that could limit traffic exiting the site along Boswell Avenue to right turns only.

- *Parking:* The GDP/SE Plat shows 69 parking spaces within the SE area, in addition to stacking space area for the drive-through lane and a single loading space.
- *Streetscape & Sidewalks:* The GDP/SE Plat shows streetscape improvements along the Richmond Highway and Boswell Avenue frontages of the site. A sidewalk has been proposed for the area along Richmond Highway, and the existing sidewalk along Boswell Avenue will be retained. In addition, the applicant is proposing landscaped planting strips on site between the parking lot areas and the sidewalks, as well as in the off-site/right-of-way areas in between the sidewalk and the edges of pavement, consistent with the streetscape recommendations of the Comprehensive Plan.
- *Internal Landscaping:* In addition to the plantings associated with the streetscape, the applicant is proposing several other landscape areas. Within the parking lot, there are several landscape islands provided which will contain both ornamental and deciduous trees. Along the northern property boundary, the plat depicts another row of deciduous tree plantings between the proposed parking area and the property line. In addition, the applicant is proposing to landscape much of the R-2 portion of the property with a combination of existing growth and new deciduous and evergreen plantings. This area will

serve as a buffer area between the drive-through pharmacy and the residential development located to the east on Boswell Avenue.

- *Stormwater Management.* The GDP/SE Plat indicates an underground stormwater detention basin to accommodate run-off from the site and reduce predevelopment run-off quantity by at least ten (10) percent. In addition, a filtration system will be located in the northeast corner of the SE portion of the property, adjacent to the building loading area, which is intended to reduce phosphorus run-off by over ten (10) percent.
- *Signage:* Sheet 6 of the GDP/SE Plat provides details of the proposed signage, which is comprised of a combination of ground and wall signs. The applicant is proposing an eight (8) foot tall monument sign with reader board that will be located in the southwest corner of the lot, and oriented for visibility along Richmond Highway. The wall signage is proposed for both building frontages and is comprised of a channel lettered “Walgreens” sign, as well as three additional sets of channel lettering advertising “1-HR PHOTO”, the operation time of “24 HR”, and “PHARMACY”. In addition, an internal neon sign is proposed for the front entrance feature, which will have clear visibility from the right-of-way. The drive-through canopy will also have a small amount of signage indicating the “Drive Thru Pharmacy”.

#### **Land Use Analysis** (*Appendix 8*)

The proposal for a drive-through pharmacy raises several land use concerns with respect to the Comprehensive Plan recommendations and goals to revitalize and improve the Community Business Center in this section of the Richmond Highway Corridor.

#### **Issue: Auto Oriented Uses**

The Comprehensive Plan goals for the Richmond Highway Corridor strongly discourage freestanding uses with drive-through facilities, and uses that create high traffic volumes to and from and along the corridor and that contribute to the strip-commercial character of Richmond Highway.

#### **Resolution:**

The concern for the proposed drive-through pharmacy is mitigated to some extent by several facts. First, the site layout has one drive-through lane which is replacing a previously approved drive-through service on site that was associated with the Dunkin’ Donuts. In general, the traffic volumes associated with a fast food restaurant with drive-through services are higher than those related to a drive-through pharmacy. In this regard, the proposal will constitute an improvement to the area. Second, the proposed drive-through will be located on the east façade of the building in an area of reduced visual impact. Third, the proposal is consolidating redevelopment of two free-standing commercial uses located within the CRD along Richmond Highway, and incorporating a substantial

buffer area between the residential developments located to the east on Boswell Avenue. For these reasons, staff believes that the proposed application for a drive-through pharmacy will not contribute to the strip-commercial character of the area.

### **Issue: Other C-8 District Uses on Site**

As stated previously, the Comprehensive Plan goals for the Richmond Highway Corridor strongly discourage freestanding uses with drive-through facilities, and uses that create high traffic volumes to and from and along the corridor and that contribute to the strip-commercial character of Richmond Highway. Therefore, the Comprehensive Plan recommends retail and office uses specifically for the 1.49 acre C-8 portion of the subject property. The applicant is proposing a drive-through pharmacy use for the project site. It should be noted that a pharmacy use without the drive through component is retail use. As noted above, staff has determined that the proposed drive through pharmacy use is in conformance with the use recommendations of the Comprehensive Plan. However, on July 14, 2006 the applicant submitted revised proffer language that reserves the option to develop the subject property with the following uses permitted as by-right uses in the C-8 District: retail, office, business service establishments, personal service establishments, financial institutions, health clubs, public uses, repair service establishments, and veterinary hospitals. If approved, development of the subject property with any of these optional uses will be limited to the site design shown on the GDP/SE Plat, which was reviewed and evaluated based upon the originally proposed use of a drive-through pharmacy.

Staff has determined that the each of the proposed additional use options would be in conformance with the use recommendations of the Comprehensive Plan. Staff from the Office of Transportation has reviewed the trip generation rates associated with the proffered optional uses and has determined that each use option generates lower AM and PM peak hour trip generation rates than the proposed drive-through pharmacy, except for the proposed financial institution. A financial institution yields trip generation rates in the A.M. peak hour of approximately 4.07 trips per thousand square feet and rates in the P.M. peak hour of approximately 33.15 trips per thousand square feet compared with the drive-through pharmacy A.M. peak hour rate of 2.66 trips per thousand square feet and the P.M. peak hour rate of 8.62 trips per thousand square feet. As such, the road improvements necessary to support a financial institution, which by definition does not include a drive-through facility, exceed the level of road improvements that are currently proposed by the applicant and which were negotiated based upon the drive-through pharmacy use. Therefore, staff strongly opposes including a financial institution in the list of optional uses to be developed on the site.

Furthermore, while staff does not object to the inclusion of business or repair service establishments, it should be noted that the definitions in the Zoning Ordinance limit their size to 5,000 square feet of net floor area. Similarly, by-right office use is limited in size by the Use Limitations of the Zoning Ordinance. Conceivably, the proposed building size of 14,550 square feet could accommodate several of these smaller uses should the property develop in a manner other than as a single drive-through pharmacy use pursuant to the proposed proffers. Staff is concerned with the potential location of multiple tenants in one building, thus creating a strip-commercial type development in the future. Although any future uses would be constrained by parking availability on site, a strip-commercial development with many multiple tenants does not meet the intent of the Comprehensive Plan for this area. Therefore, staff recommends that the number of tenants in the proposed structure be limited to a maximum of three (3) tenants.

**Resolution:**

In order to ensure that future uses of the property are compatible with conditions associated with the proposed site layout, and that future redevelopment of the property is in conformance with the Comprehensive Plan, staff strongly recommends that the applicant amend the proposed proffers to remove financial institutions as a permitted use or in the alternative defer the case in order to provide staff with more time to fully determine the additional road improvements necessary to support such a use on the site. In addition, the proffer should limit the number of tenants in the structure to no more than three tenants rather than the current proffer language which limits the number of uses to three (3). These issues have not been addressed.

**Issue: Compatibility**

The application property includes two parcels that are zoned C-8 and a third parcel, adjacent to the east, that is zoned R-2. The R-2 portion of the subject property is shown on the plat to be primarily retained as wooded open space to buffer the adjacent residential neighborhood to the east; only a small portion of this parcel, 0.04 acres, or 1,854 square feet, is proposed to be developed in order to provide a driveway for the proposed commercial use. The applicant is proposing to proffer that the remaining residentially zoned area be retained as open space. While staff agrees that this would provide an effective buffer between competing uses and, more specifically, mitigate the impact of vehicular traffic utilizing the drive-through on the rear of the building, the proposed landscape plan for this area could be improved. Although the GDP/SE Plat shows a significant amount of proposed landscaping throughout the R-2 parcel, it is staff's opinion that there is insufficient planting of the area located immediately adjacent to the proposed driveway along the western property boundary.

**Resolution:**

Compatibility between the commercial and residential areas could be improved on site if additional tree plantings are provided along the western boundary line of the R-2 zoned property, along the proposed drive aisle. This issue has been addressed with a proposed development condition to transplant existing trees to this area or to add supplemental landscaping along the length of the drive aisle as determined by the Urban Forest Management Branch, DPWES.

**Issue: Richmond Highway Streetscape**

Particularly since the Comprehensive Plan specifically discourages auto-oriented uses, at a minimum, the proposal should demonstrate public improvements which contribute to the revitalization goals of the area such as added or improved streetscape, under-grounding of utilities, and/or improved pedestrian access and connectivity.

In order to further improve the visual image of the Richmond Highway Corridor, the Comprehensive Plan recommends specific streetscape treatments for certain sections of the corridor. The purpose of this streetscape according to the Plan is to *“provide visual relief from the uncoordinated, strip-commercial appearance”* of Richmond Highway. On the east side of Richmond Highway where the subject property is located, the Plan recommends a twenty-five (25) foot wide streetscape corridor that is comprised of the following:

- When a parking lot abuts the streetscape corridor, a ten (10) foot wide landscaped screening strip that is located on-site in between the parking lot and the sidewalk; and
- A six (6) foot wide sidewalk, to be located off-site in the right-of-way area; and
- A nine (9) foot wide curb edge landscape strip, also to be located off-site in the dedicated right-of-way area, adjacent to Richmond Highway.

The applicant is proposing to implement these elements of the Richmond Highway streetscape corridor, and this proposal is generally consistent with the provisions of the Comprehensive Plan. The GDP/SE Plat shows the following:

- A ten (10) foot wide landscape screening strip located on-site; and
- A six (6) foot wide sidewalk located off-site within the right-of-way area; and

- A thirty-four (34) foot wide curb edge landscape strip, which tapers down to fourteen (14) feet due to the proposed right turn entrance, located off-site within the right-of-way adjacent to Richmond Highway.

The landscape plan shows significant plantings in the landscape screening strip adjacent to the parking lot, which consists of both deciduous trees and under story shrubs. In addition, the plan also proposes a row of deciduous tree plantings for the curb edge landscape strip immediately adjacent to Richmond Highway.

Although the GDP/SE plat currently shows the full streetscape requirements for this area of Richmond Highway, staff has concerns regarding the feasibility of providing the required area for the 9-foot curb edge landscape strip if the applicant does not receive the VDOT waiver for the reduced right-turn entrance. In the event that this occurs, and the full frontage requirements are required, this will reduce the proposed streetscape area along Richmond Highway. Although the GDP/SE Plat currently shows the tapered entrance, the applicant should demonstrate that the 9-foot planting area could still be provided with full street frontage improvements.

Furthermore, there currently are significant overhead utilities located within the frontage area. The GDP/SE Plat indicates the location of the existing overhead utility lines, but the applicant is not proposing at this time to under-ground these lines. As for improved pedestrian connectivity, the extension of sidewalk across the Richmond Highway frontage and the designation of crosswalks on-site represent positive improvements for the area.

#### **Resolution:**

As stated above, since the Comprehensive Plan specifically discourages auto-oriented uses, the proposal should demonstrate public improvements which contribute to the revitalization goals of the area. This includes improvements to the streetscape, the under-grounding of utilities, and/or improved pedestrian access and connectivity. In staff's opinion, the proposed GDP/SE Plat adequately demonstrates such improvements along the Richmond Highway frontage in that pedestrian connectivity has been improved in the area, and the full streetscape requirements are being proposed. However, there is no commitment to under-ground overhead utilities located within the right-of-way along the Richmond Highway frontage of the subject property. Staff believes that the applicant should either under-ground these utilities or contribute to the effort to underground the utilities in order to fully resolve this issue.

#### **Issue: Boswell Avenue Streetscape:**

In order to further improve the visual image of the Richmond Highway Corridor, the Comprehensive Plan recommends specific streetscape treatments for certain

sections of the corridor. The purpose of this streetscape according to the Plan is to *“provide visual relief from the uncoordinated, strip-commercial appearance”* of Richmond Highway. On all streets that intersect Richmond Highway, as does Boswell Avenue in this case, the Plan recommends a fifteen (15) foot wide landscape corridor that is comprised of the following:

- When a parking lot abuts a street that intersects Richmond Highway, a five (5) foot wide landscaped screening strip that is located on-site in between the parking lot and the sidewalk; and
- A five (5) foot wide sidewalk, to be located off-site in the right-of-way area; and
- A five (5) foot wide curb edge landscape strip, also to be located off-site in the right-of-way area, adjacent to Boswell Avenue.

The GDP/SE Plat shows each of the components as required by the Plan.

### **Issue: Signage**

The application shows a combination of both freestanding and building mounted signs for the drive-through pharmacy. Although the proposed monument sign is eight (8) feet in height, which is in keeping with a pedestrian scale and a visual improvement for the Richmond Highway Corridor, there is some concern with the remainder of the signage proposed for the building. The applicant is proposing an internal neon sign to be located within the front entrance feature of the building, with clear visibility from the right-of-way. In addition, additional channel lettering is proposed for the building to advertise services such as the 24-hour pharmacy and photo services.

### **Resolution:**

In staff's opinion the building mounted signage and use of the internal neon sign are excessive and inconsistent with the aesthetic quality that the Comprehensive Plan envisions for the revitalization of Richmond Highway. Therefore, staff has proposed a development condition that will limit the signage on the subject property to the monument and drive-through canopy signs, as proposed, but reduce the building signage to only the “Walgreens” channel lettering on each façade with frontage along a public right-of-way.

### **Transportation Analysis (Appendix 9)**

### **Issue: Richmond Highway Frontage Improvements**

Richmond Highway in the area of the subject property is recommended for improvement in the transportation element of the Comprehensive Plan. The Plan

calls for eighty-eight (88) feet of right-of-way from the centerline of Richmond Highway to accommodate the improvements.

**Resolution:**

The GDP/SE Plat shows an eighty-eight (88) foot dedication from the centerline of Richmond Highway. In addition, the proposed proffers include provisions for this dedication.

**Issue: Widening of Richmond Highway**

Per the Comprehensive Plan/Route 1 Location Study, Richmond Highway is planned to be widened to an eight lane divided facility. The applicant should construct the additional travel lane along the site's Richmond Highway frontage to be used in the interim as a dedicated right turn lane.

The applicant is showing a modified right turn lane into the site entrance on Richmond Highway that is approximately seventy (70) feet in length. It is the understanding of County staff that this configuration does not meet VDOT design standards and will require approval by VDOT at the time of site plan review. However, County staff will only support the construction of the modified right turn lane if an escrow for the remainder of the improvements is proffered to be provided. This will ensure the construction of the full improvements in the future, or immediately in the event that the modification is not approved by VDOT. Should the applicant be responsible for full improvements that are not in substantial conformance with the GDP/SE Plat, then a Proffered Condition Amendment (PCA) may be required. The applicant has included a proffer to escrow the funds as requested by staff

**Issue: Interparcel Access**

The Zoning Ordinance requires service drives along all primary highways. The applicant is requesting a waiver of this requirement but is proposing to maintain the existing interparcel access that is located in the northwest corner of the site, which allows vehicular access to points north. However, the adjacent location of the proposed entrance onto Richmond Highway and the exiting drive-through traffic in this area creates the potential for conflicting traffic movements. In addition, staff is concerned about the future of the interparcel access in this location due to its close proximity to the existing edge of pavement of Richmond Highway. In the event that Richmond Highway is improved and/or widened in this area, the interparcel access may require relocation from its existing site.

**Resolution:**

In order to mitigate the potential for vehicular conflict in the area around the interparcel access, the applicant has agreed to, and the GDP/SE plat depicts, the addition of a painted stop bar and signage for traffic entering the site through

the interparcel access from the north. A stamped asphalt crosswalk has also been added in this area to ensure safe pedestrian access from the site to the adjacent businesses to the north.

With respect to interparcel access, the applicant has added a note to the GDP/SE Plat and provided a proffer that addresses staff concerns regarding the potential rearrangement of the interparcel access along the northern property boundary. The applicant has offered that interparcel access will be maintained to the commercial property located to the north in the event that Richmond Highway ever is improved. In addition, the existing interparcel access will also require an ingress/egress easement on the travel aisle in order to ensure the legal right of access. This issue has also been addressed through the proposed proffers.

### **Environmental Analysis** (*Appendices 10 through 15*)

#### **Issue: Stormwater Management** (*Appendix 10*)

The GDP/SE Plat indicates an underground stormwater detention basin to accommodate run-off from the site and to reduce predevelopment run-off quantity by at least ten (10) percent. In addition, a filtration system will be located in the northeast corner of the SE portion of the property, which is intended to reduce phosphorus run-off by over ten (10) percent. During the review process, the Environmental and Site Review Division of the Department of Public Works and Environmental Services (DPWES) raised several issues on the GDP/SE Plat regarding the height of the underground storage system, the outfall narrative, and the BMP computations.

#### **Resolution:**

The latest development plans address the stormwater management issues raised by the Environmental and Site Review Division. Furthermore, these items will receive additional review by DPWES for compliance with the Public Facilities Manual at the time of Site Plan review.

#### **Issue: Tree Preservation** (*Appendix 11*)

Several issues were raised by the Urban Forest Management Section of DPWES. These included the following:

- In the parking lot area between the two existing structures on site is a landscape median containing several Norway spruce and an eastern red cedar. These were deemed to be in very good condition and identified as candidates for transplant to an open space area within the proposed layout.

- Clearing and grading along the eastern boundary of the C-8 portion of the project site will result in the removal of existing quality vegetation.
- There is an existing compacted gravel driveway area at the northeastern portion of the site that will affect the health and condition of both existing and proposed landscaping on site.

In addition, there was also staff concern regarding the landscaping treatment of several small traffic islands that the applicant is proposing in the parking lot.

**Resolution:**

Staff has worked with the applicant to save as many trees on the site as possible. Subsequent revisions of the GDP/SE Plat have clearly identified those trees that will be saved in the R-2 portion of the project property, and staff feels that the preservation effort of this parcel as shown on the GDP/SE Plat will be sufficient with the additional plantings as recommended in the proposed development conditions along the western boundary line of the R-2 property, along the proposed driveway, which was identified earlier in the report. In addition to the landscaping provided in the proposed R-2 buffer area, the applicant has revised the GDP/SE Plat to show supplementary plantings in each of the landscape islands located within the parking lot.

Through proffering, the applicant has also addressed the removal and replanting of the gravel driveway area in the northeastern portion of the site. Despite these improvements, however, the applicant has not addressed the potential relocation of the existing trees located on the C-8 portion of the property. Therefore, staff has proposed a development condition to address this specific issue.

**Issue: Countywide Trails Plan** (*Appendix 12*)

The Countywide Trails Plan Map depicts an Onroad Bike Route on the subject property's Richmond Highway frontage and a Minor Paved Trail along the Boswell Avenue frontage. The applicant is proposing a five (5) foot sidewalk along the Boswell Avenue frontage as a part of the streetscape requirements; this will fulfill the Minor Paved Trail requirement. However, in addition to the streetscape requirements, the Onroad Bike Route is a frontage improvement recommended by the Comprehensive Plan for redevelopment and should be provided, in addition to the six (6) foot wide sidewalk provided as a part of the streetscape requirements for Richmond Highway. This would result in a 5-foot bike lane in the outside roadway lane along Richmond Highway.

**Resolution:**

The applicant is not proposing to provide the 5-foot bike lane along Richmond Highway. However, staff could support a waiver of the on-road Bike Lane requirement in this case since all other streetscape elements have been provided along Richmond Highway, including a six (6) foot wide sidewalk.

**ZONING ORDINANCE PROVISIONS FOR PCA 2006-MV-005 & SE 2006-MV-001**

<b>Bulk Standards (C-8 CRD)</b>		
<b>Standard</b>	<b>Required**</b>	<b>Provided</b>
Lot Size	40,000 square feet	64,898 square feet
Lot Width***	200 feet	219.81 feet
Building Height	50 feet*	27 feet
Front Yard	20 feet*	72 feet (Richmond Highway) 79 feet (Boswell Avenue)
Rear Yard	20 feet	70.99 feet
Side Yard	N/A	N/A
FAR	0.50	0.22
Open Space	15%	13%****
Parking Spaces	56 spaces	69 spaces

\* Zoning Ordinance Sec. A7-407 Richmond Highway Commercial Revitalization District

\*\* Bulk Requirements apply only to the C-8 portion of the property

\*\*\* The width of a lot along a line parallel to the front street line and lying at a distance from said street line equal to the required minimum front yard on said lot.

\*\*\*\* Requesting Modification and/or Waiver

**Waivers and/or Modifications:**Waiver of service drive requirement:

The GDP/SE Plat shows two-way travel lanes within the parking areas around the building, which provide circulation throughout these areas of the site. In addition, traffic flow will be permitted around the entire perimeter of the building with the addition of the proposed driveway associated with the concurrent SE request, SE 2006-MV-013, associated with this case.

Interparcel access to the adjacent commercial properties to the north has also been retained with this application. In order to ensure that this access will be preserved in the future, the applicant has provided, through the proposed proffers, an ingress/egress easement over the existing travel aisle in this area. The proposed proffers also include the provision that this access will be preserved in the event that Richmond Highway is ever improved in a manner that necessitates its relocation.

For these reason, staff supports the waiver of the service drive requirement.

#### Modification of transitional screening and the barrier requirements:

Pursuant to Article 13 of the Zoning Ordinance, transitional screening 3 (a 50-foot wide landscaped open space strip) and Barrier E, F, or G (six-foot high fence) is required between the drive-through pharmacy establishment and the R-2 District.

The transitional screening and barrier requirements are less restrictive for the optional by-right uses included in the proffers (a 35-foot wide landscaped open space strip). In addition, the Ordinance requires that these improvements be located on the C-8 portion of the subject property. As previously discussed, the applicant is proposing to keep the heavily wooded R-2 portion of the subject site as an open space area to serve as a natural transitional screen between the commercial site and the residential development to the east. The width of this parcel is approximately 75 feet wide, which exceeds the 50 foot requirement. In addition, the applicant is proposing a six foot high board on board privacy fence along the eastern property line of the R-2 parcel. However, as identified earlier in the staff analysis, the proposed landscape plan for this area could be improved with a more clearly defined natural boundary between the C-8 and R-2 zoned properties. Staff has suggested the relocation of the existing Norway spruce to this area or in the event it is determined that these trees will not survive transplantation, the provision of supplemental landscaping along this property edge. Therefore, staff can support the applicant's request for modification of the transitional screening and barrier requirements if landscaping is provided in this area pursuant to the proposed development conditions.

#### Waiver of the Open Space Requirement

The C-8 District requires that 15% of the gross area of the subject property shall be landscaped open space. In this case, the applicant is only providing 13% of the 15% minimum open space requirement for the C-8 portion of the subject property. Therefore, the applicant has requested a modification, and is proposing to proffer the R-2 portion of the subject property as an open space area in lieu of this requirement. By allowing the R-2 portion of the property to be an undeveloped landscape area, the overall open space associated with entire project site will increase to approximately 45%, which is in excess of the 15% minimum requirement of the Zoning Ordinance. Pursuant to Section 9-612 of the Zoning

Ordinance, the Board may approve a waiver of open space requirements if it will further the intent of the Ordinance, the Comprehensive Plan, and other adopted policies; if the resultant development will be harmonious with the adjacent development; and if the provisions of the Article 13 of the Zoning Ordinance are satisfied. Staff believes that the proffering of the R-2 portion of the subject property as open space will better satisfy the intent of the Zoning Ordinance in that it will provide more open space than that which is required in the C-8 District. For this reason, staff supports this request for modification.

### **Other Zoning Ordinance Requirements:**

#### **Special Exception Requirements (Appendix 16)**

##### *General Standards (Sect. 9-006)*

*In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:*

- 1. The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.*

The commercial portion of the subject property is located in Area IV, Mount Vernon Planning District, Richmond Highway Corridor Area. The Plan strongly discourages uses with drive-through facilities, and those that add to the “strip mall” character of the corridor. Specifically, the Hybla Valley/Gum Springs CBC areas greatly stress redevelopment by combining uses in addition to aesthetic improvements.

Specifically, the B-4 subunit where the subject property is located is planned for “*townhouse style or well-designed retail and office uses up to a .50 FAR and a maximum building height of forty (40) feet*”. In addition, the Plan states that access should also be consolidated among parcels oriented to Richmond Highway.

As discussed previously, staff believes that the concern for the proposed drive-through pharmacy is mitigated since the proposed use is consolidating redevelopment of two existing parcels located within the CRD, one of which was the former location of a previously approved drive-through use. In addition, the proposed placement of the drive-through on the rear of the building will soften the visual impact of the use on Richmond Highway. In addition, other design considerations, such as the full implementation of the streetscape corridor requirements pursuant to the Comprehensive Plan, have been fulfilled through the proposed proffers and development conditions. Therefore, staff believes that this standard has been satisfied.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The C-8 District regulations seek to accommodate permitted uses in a manner that minimizes interference with through traffic movement while ensuring a high standard in site layout, design and landscaping. In addition, the Highway Corridor Overlay seeks to promote health and safety by placing limits on particular automobile oriented uses. In general the proposed plan meets these requirements through the location of the drive-through on the rear of the building, the design of the internal circulation, and interparcel access provided on site.

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 the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.*

The proposed building height is twenty-seven (27) feet, and given the location of the footprint and its orientation along Richmond Highway, staff feels that this proposed design will be harmonious with the surrounding area and will not adversely affect the present or future use of neighboring properties. In addition, a six (6) foot privacy fence is also proposed along the eastern property boundary of the R-2 parcel. Although the applicant is proposing to proffer that the R-2 portion of the subject site will be utilized as a landscape buffer area between the C-8 commercial uses and the adjacent residential areas to the east, the proposed landscape plan could be improved between the different zoning districts as described above. However, staff believes that this standard will be satisfied with the adoption of the proposed development conditions.

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.*

The application proposes to retain the existing entrance located on Boswell Avenue, which has generated concern regarding stacking in this area for traffic awaiting access to Richmond Highway. Given the location of the drive-through and the general layout of the site, it appears that this entrance would be preferable to those customers seeking to utilize the drive-through service. Concerns have been expressed with regard to the existing conditions on Boswell Avenue, and whether the proposed use would create additional impacts in this area. Although staff generally supports the proposed use with

respect to transportation related issues, there still exists some community concern regarding the entrance onto Boswell Avenue. As such, County staff has suggested a develop condition for an additional post-construction traffic study to be completed should the project be approved. This study would allow an evaluation of as-built traffic impacts of the use on Boswell Avenue and could facilitate in providing an optimal solution to mitigate future problems in the area resulting from the proposed use, should they occur.

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.*

The applicant has requested a modification of the location of transitional screening between the C-8 and R-2 portions of the subject property. Pursuant to the Zoning Ordinance, all of the bulk regulations required for the C-8 District must be met on the C-8 portion of the subject property. The transitional screening and barrier requirements are being provided on the R-2 portion of the site. As stated previously, staff can support this request with the proposed development conditions to provide additional plantings along the proposed drive aisle located along the western property boundary of the R-2 parcel.

In addition, it appears that the tree cover requirement has not been satisfied pursuant to Article 13 of the Zoning Ordinance, which requires ten (10) percent coverage, or 5,035 square feet in this case. The applicant has submitted a revised GDP/SE plat dated July 12, 2006 that shows additional trees along the Boswell Ave. frontage, but has not updated the tree cover calculations to reflect the additional tree cover which previously proposed only 9.2% tree coverage, or 4,650 square feet. Further, staff believes that this amount may be further increased with the proposed development conditions which require supplemental vegetation and the transplanting of several Norway Spruce to another location on site. The final tree cover calculations will be reviewed by UFM, DPWES at the time of site plan review.

For these reasons, staff believes that this standard has been sufficiently satisfied.

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 order to fulfill the open space requirement, a waiver has been requested by the applicant. The subject PCA was filed in order to establish proffers on the site to allow the R-2 portion of the property to remain as an open space area. This area will provide both open space and a transitional screening/buffer between the drive-through pharmacy on the C-8 portion of the subject property and the existing residential development to the east. By itself, the commercially

zoned portion of the subject property is only yielding 13% of the 15% minimum open space requirement. By allowing the R-2 portion of the property to be an undeveloped buffer area, the overall open space will increase to approximately 45%, which is in excess of the 15% minimum requirement of the Zoning Ordinance. Therefore, staff feels that this standard has been satisfied.

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.*

Staff feels that the application fulfills each of these requirements. In addition, the GDP/SE Plat indicates, and staff confirms, that the proposed layout meets the parking and loading requirements.

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.*

At staff's request, the applicant is proposing a monument style sign structure as opposed to the typical pylon signage that is associated with highway strip development. The proposed height of monument sign is eight (8) feet, which is in keeping with a pedestrian scale.

In addition to the freestanding signage, the applicant is proposing building mounted signage and an internal neon sign to be located within the front entrance feature but clearly visible from the right-of-way. Staff is concerned with the number of signs, i.e., the additional channel lettering indicating "1-HR Photo" and "24 HR" "Pharmacy", as well as the neon signage as it would be inconsistent with the aesthetic quality sought for the revitalization of Richmond Highway via the Comprehensive Plan criteria. For these reasons, staff recommends the signage be in accordance with the Article 12 of the Zoning Ordinance, and limited to the proposed monument style sign, the "Walgreens" channel lettering on each building frontage, and the drive-through canopy sign.

*Highway Corridor Overlay District Use Limitations (Sect. 7-608)*

*All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and, in addition, drive-in banks, fast food restaurants, quick-service food stores, service stations and service station/mini-marts shall be subject to the following use limitations:*

1. *In any Highway Corridor Overlay District:*

- A. *Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.*

This provision requires that such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties. As stated previously, the GDP/SE Plat shows an interparcel connection to the commercial properties to the north of the subject property. In addition, sidewalks are provided along both street frontages that connect with proposed pedestrian crosswalks that facilitate safe pedestrian access to the proposed pharmacy, and to points north of the subject property.

Although this design is appropriate for present conditions, staff has identified concern relating to the future location of the northern interparcel access should Richmond Highway be improved and widened in the future. The applicant has addressed this concern by including language on the GDP/SE Plat and in the proposed proffers that allows for the preservation of this access in the event that any future improvements to Richmond Highway would necessitate its relocation. Furthermore, the proposed proffers also includes the establishment of an ingress/egress easement over the existing interparcel access.

- B. *Such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means may be given favorable consideration:*

- (1) *Access to the site is provided by a public street other than one intended to carry through traffic, and/or*
- (2) *Access to the site is provided via the internal circulation of a shopping center, which center contains at least six (6) other commercial uses, or an office complex having a limited number of well-designed access points to the public street system and no additional direct access is provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, and/or*
- (3) *Access to the site is provided by a functional service drive, which provides controlled access to the site.*

Paragraph 1B requires that such a use shall have access designed in a manner not to impede traffic on a public street intended to carry through traffic. As indicated previously, the

applicant is proposing a modified right turn into the site off of Richmond Highway, which will require a waiver from VDOT. Staff supports the waiver of the full length right turn lane since the applicant has proposed proffer language that provides the funds in escrow to accommodate future construction of the remainder of the site frontage improvements in the event that the waiver is not granted by VDOT. Should this be the case, the applicant will be responsible for the full improvements, and a PCA may be required.

In addition, the applicant proposes to retain the existing entrance on Boswell Avenue that was associated with the Dunkin' Donuts. Although staff generally supports the continued use of this particular entrance, there is still some community concern with regarding the impact of traffic associated with the proposed use on the neighboring community. As such, staff has requested in the proposed development conditions that the applicant provide a future traffic study of this area once the proposed use has been established on the site.

- C. *There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.*

Although the applicant is not proposing any outdoor storage, staff has included a provision in the development conditions prohibiting such. With implementation of the development conditions, this standard will have been met.

*Driveways for Uses in a C or I District (Sect. 9-616)*

*The Board may approve, as a Category 6 special exception use, the location on residentially zoned land of a driveway for a commercial or industrial use, but only in accordance with the following:*

1. *It shall be determined that:*
  - A. *No other means of access is reasonably available; or*
  - B. *The proposed access will result in a minimized traffic impact on the streets on the vicinity.*

In this case, the applicant is seeking authorization of a Special Exception to allow a drive way to serve as an escape lane adjacent to the drive-through component of the pharmacy use on the R-2 zoned portion of the project site. Staff believes that no other means of access is reasonably available in this instance due to the

location of both the building itself and the drive-through window. The applicant is providing the full right-of-way dedication and streetscape provisions for Richmond Highway. Therefore, little flexibility exists to move the building forward to allow the drive way to be located completely on the C-8 zoned portion of the subject property. Furthermore, the provision of an escape lane for the drive-through improves on-site vehicular circulation and staff supports the location of the drive-through lane on the rear of the building, since it will be out of view from Richmond Highway.

2. *It shall be determined that the proposed driveway will not unduly impact the use or development of adjacent properties in accordance with the adopted comprehensive plan.*

As stated previously, staff feels that this proposed design, which includes the drive aisle located on the R-2 zoned parcel, will be harmonious with the surrounding area and will not adversely affect the present or future use of neighboring properties. A six (6) foot privacy fence is being proposed along the eastern property boundary of the R-2 parcel, which will provide an effective barrier to the proposed use on site. In addition, the applicant is proposing to proffer that the R-2 portion of the subject site will be utilized primarily as a landscape buffer area between the C-8 commercial uses and the adjacent residential areas to the east.

For reasons stated above, staff can support this particular request for Special Exception.

### **Summary of Zoning Ordinance Provisions**

Based on the provision of the streetscape requirements along Richmond Highway, the dedication of the majority of the R-2 portion of the site as open space, and the fulfillment of the bulk regulations of the C-8 District, staff believes that the application satisfies the standards of the Zoning Ordinance.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The Comprehensive Plan goals for the Richmond Highway Corridor strongly discourage freestanding uses with drive-through facilities and uses that create high traffic volumes to and from and along the corridor and that contribute to the strip-commercial character of Richmond Highway. While a proposed drive-through pharmacy could be inconsistent with this Plan goal, the application does achieve other Plan goals in that it consolidates redevelopment of three existing parcels (two in the CRD). The proposal demonstrates public improvements which further the revitalization goals of the area including designation of an existing

parcel to serve as a natural landscape buffer between the commercial uses along Richmond Highway and the adjacent residential community, improved streetscape along each street frontage, and improved pedestrian access and connectivity. Therefore, Staff believes that this request meets the intent of the Comprehensive Plan.

The application could be improved with the elimination of the option to develop a financial institution on the site. Staff feels strongly that this use should be eliminated because the impacts of a financial institution at this location to the surrounding road network are anticipated to be significant due to its much higher trip generation rates compared to a drive-through pharmacy use. The added road improvements necessary to mitigate those impacts have not been addressed with the current proposal. Other areas of improvement are addressed in the proposed development conditions which require supplemental landscaping and reduced building mounted signage

### **Recommendations**

Staff recommends approval of PCA 2006-MV-005, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of SE 2006-MV-001, subject to the development conditions contained in Appendix 2.

Staff also recommends approval of SE 2006-MV-013, subject to the development conditions contained in Appendix 3.

Staff recommends approval of the waiver of the service drive requirement.

Staff recommends the modification of the transitional screening and barrier requirements.

Staff recommends the modification of the open space requirement.

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.

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. Draft Proffers
2. Proposed Development Conditions: SE 2006-MV-001
3. Proposed Development Conditions: SE 2006-MV-013
4. Affidavit (Special Exceptions & Proffer Condition Amendment)
5. Statement of Justification
6. Clerk to the Board's Letter regarding SE 84-V-026 and Development Conditions
7. Comprehensive Plan Citations
8. Land Use Analysis
9. Transportation Analysis
10. Stormwater Management Analysis
11. Forest Conservation Section Analysis
12. Environmental Analysis
13. Fire and Rescue Analysis
14. Fairfax County Park Authority Analysis
15. Fairfax County Water Authority Analysis
16. Zoning Ordinance Provisions
17. Glossary of Terms

**DRAFT****PROFFERED CONDITIONS  
Pace-Boswell Associates, LLC**

**PCA 2006-MV-005  
(Concurrent with SE 2006-MV-001 & SE 2006-MV-013)**

**April 11, 2006**  
*Revised June 27, 2006*  
*Revised July 8, 2006*  
*Revised July 12, 2006*  
*Revised July 14, 2006*

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners (the "Owners") and applicant (the "Applicant") in the above-referenced applications proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 102-1-((7))-4-26, 28, and 30 (hereinafter referred to as the "Property") will be in accordance with the following proffered conditions (the "Proffered Conditions"). In the event said application requests are denied, these Proffered Conditions shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns, agree that these Proffered Conditions, if accepted, shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. These Proffered Conditions, if accepted, supersede previous Proffered Conditions (if any) existing on the Property. The Proffered Conditions are:

I. **GENERAL**

1. **Substantial Conformance.** Subject to the Proffered Conditions and the provisions of Article 18 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the Generalized

Development Plan/Special Exception Plat (the "GDP/SE Plat"), containing seven (7) sheets prepared by Bohler Engineering, P.C., dated August 11, 2005 and revised through July 12, 2006.

2. Permitted Uses. Notwithstanding the drive-through use identified on the GDP/SE Plat, the Applicant reserves the right to develop the site with the following uses: retail, office, business service establishment, personal service establishment, financial institutions (no drive-through), health club, public uses, repair service establishment, or veterinary hospital, all subject to the Use Limitations of Section 4-805 of the Zoning Ordinance, provided the development of the site is in substantial conformance with the GDP/SE Plat and the requirements of these proffered conditions and that no more than three (3) uses are developed on the subject Property at any one time.

## II. ENVIRONMENTAL

3. Parcel 30. The Applicant, for itself and its successors and assigns, hereby proffers that the area consisting of approximately 22,500 square feet, also known as Tax Map No. 102-1-((7))-4-30 (Parcel 30) (the "Conservation Easement Area"), which is currently zoned R-2, shall remain undisturbed, except for the amount of clearing necessary for the construction of the proposed driveway, demolition of any existing structures, driveways, fences, etc., the installation of landscaping, sidewalk, and fence all as shown on the GDP/SE Plat. After the improvements noted in this proffer and as shown on the GDP/SE Plat have been made to Parcel 30, the Applicant shall record with the Land Records of Fairfax County a conservation easement in a form approved by the County Attorney for Parcel 30 which shall serve, in perpetuity, as a natural buffer between the proposed commercial use on the C-8 zoned portion of the Property and the residential properties to the east. The Applicant shall further retain the option to receive open space credit for the Conservation Easement Area in all relevant calculations regarding storm water management quality and quantity related to the development of the property pursuant to the GDP/SE Plat.

4. Tree Preservation Plan. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by Urban Forest Management (UFM), Department of Public Works and Environmental Services (DPWES). The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees ten (10”) inches in diameter and greater within twenty (20) feet of the Property limits and any trees identified for saving on the GDP/SE Plat. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown, pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

5. Tree Preservation Walk Through. The Applicant shall retain the services of a certified arborist or landscape architect and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant’s certified arborist or landscape architect shall walk the limits of clearing and grading with a representative from UFM to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees not likely to survive construction due to their species and/or proximity of disturbance will also be identified at this time and the Applicant may also be given the option of removing them as part of the clearing operation. However, the removal of such trees shall be subject to review and approval of UFM. Any tree designated for removal at the edge of the limits of clearing and grading or within tree preservation area shall be removed using a chain saw to avoid damage to

surrounding trees. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees.

6. Tree Protection Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing consisting of four foot (4') high, 14 gauge welded wire attached to six foot (6') steel post driven eighteen inches (18") into the ground and placed no further than ten feet (10') apart shall be erected at the limits of clearing and grading as shown on the demolition and phase 1 and 2 erosion and sediment control sheets for the tree save and protection areas generally delineated on the CDP/FDP. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures, within or adjacent to tree save areas. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect. Ten (10) days prior to the commencement of any clearing, grading or demolition activities, both UFM and the Mount Vernon Board of Supervisor's Office shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed.

7. Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP/SE Plat, subject to allowances specified in these proffered conditions, and for the installation of fences, utilities and/or sidewalks as determined necessary by the Director of DPWES. If it is determined necessary to install fences, utilities and/or sidewalks in areas protected by the limits of clearing and grading as shown on the GDP/SE Plat, they shall be located in the least disruptive manner necessary as determined by UFM.

8. Stormwater Management Facilities and Best Management Practices (BMPs). The Applicant shall provide stormwater management and BMPs in accordance with the Public Facilities Manual and subject to approval from DPWES. As opposed to that shown and described on the GDP/SE Plat, which is recognized as a preliminary concept completed without the benefit of a final

grading plan, the Applicant reserves the right to satisfy the stormwater management and BMP requirements for the Property with an alternate plan so long as the plan is in accordance with the Public Facilities Manual and subject to approval from DPWES.

## TRANSPORTATION

9. Boswell Avenue Improvements. At the time of site plan, the Applicant shall request in writing approval from VDOT that one of the two (2) existing westbound lanes on Boswell Avenue be re-striped. The right westbound lane shall be changed to reflect a right-turn only onto Route 1. The left westbound lane shall remain unchanged, continuing to allow a left-turn only onto Route 1 and a straight-thru to the existing shopping center across Route 1. The proposed change is depicted on the GDP/SE Plat. A copy of the Applicant's written request shall be submitted as part of the site plan and said documentation shall fulfill the requirements of this proffer.

10. Boswell Avenue/Route 1 Traffic Signal. At the time of site plan review, the Applicant shall request approval from VDOT that the signal phasing for the Boswell Avenue/Route 1 traffic signal be modified. Such requested modification shall reflect a change in phasing to permit the westbound Boswell Avenue traffic to enter the intersection in the first phase of the east-west cycle. The eastbound traffic leaving the shopping center shall be second in the cycle. The left and right turn movements off of southbound and northbound Route 1 onto Boswell Avenue or into the shopping center, respectively, shall be third in the cycle. The existing timing for the Boswell Avenue/Route 1 traffic signal shall not be modified in any manner pursuant to this request and nothing set forth in this request would cause disruption to the timing sequences for the remainder of the Route 1 Corridor traffic signals. A copy of the Applicant's written request shall be submitted as part of the site plan and said documentation shall fulfill the requirements of this proffer.

11. Route 1 Taper. The Applicant shall construct a right-turn taper off of Route 1 into the subject property as generally shown on the GDP/SE Plat. In the event that VDOT and/or DPWES do

not approve a right turn taper that is in substantial conformance with the GDP/SE Plat, the Applicant reserves the right to fulfill the obligation of this proffer with an escrow for frontage improvements for the area of the right turn taper. Such escrow shall be calculated based on the methodology contained in Proffer 12 below.

12. Escrow for Richmond Highway Frontage Improvements. Prior to final site plan approval and in fulfillment of the requirements for frontage improvements contained in Paragraph 4 of Section 17-201 of the Zoning Ordinance, the Applicant shall escrow funds equal to the cost of paving one additional 11' wide travel lane in the approximately 157.5 foot long area extending southward from the start of the right turn taper shown on the GDP/SE Plat to the southern property line. The amount of the escrow shall be determined in accordance with the County Unit Price schedule. In the event the size or configuration of the right turn taper changes from that shown on the GDP/SE Plat, the amount of this required escrow shall be adjusted to reflect that area of the Richmond Highway frontage not affected by any part of the right turn taper.

13. Dedication of Right-of-Way. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of eighty-eight (88) feet from centerline of Richmond Highway, as shown on the GDP/SE Plat. Dedication of right-of-way and granting of any related easements shall be made at time of recordation of the final subdivision plat or upon demand by either Fairfax County or VDOT, which should first occur.

14. Interparcel Access. At the time of site plan approval, the Applicant shall provide an ingress/egress easement to be recorded, in a form approved by the Office of the County Attorney, over the interparcel access to the north (Tax Map 93-3-((02))- (04)-25), as shown on the GDP/SE Plat. In addition, in the event that future improvements to Richmond Highway necessitate the removal and/or

relocation of this interparcel access, an alternative location for the interparcel access, as determined by the Fairfax County Department of Transportation or the Virginia Department of Transportation (VDOT), shall be provided on site, which will ensure continued vehicular and pedestrian access to the adjacent properties to the north. Width and/or configuration of such easement shall not cause the site to fail to meet minimum parking requirements. The Applicant's obligation shall be exclusive to recording the necessary easement. The Applicant shall have no obligation to construct the connection.

15. The Applicant reserves the right to request authorization from VDOT and/or the County to place the ground-mounted monument sign now shown in the southwestern corner of the Property at an approved interim location within the to be dedicated right-of-way along Richmond Highway. Any such relocation shall also be in conformance with the requirements of Article 12 of the Zoning Ordinance and not conflict with proffered landscape concepts.

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These Proffered Conditions may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

PACE-BOSWELL ASSOCIATES, LLC  
Applicant/Contract Purchaser of  
Tax Map Nos. 102-1-((7))-4-26, 28 and 30

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

BASIL LLC  
Title Owner of Tax Map No. 102-1-((7))-4-26

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

THEODORE DEMETRIADES  
THEODORA DEMETRIADES  
Title Owners of Tax Map No. 102-1-((7))-4-28

By: \_\_\_\_\_  
Theodore Demetriades

By: \_\_\_\_\_  
Theodora Demetriades

BARRY H. CLARK, JR.  
DAVID J. GIAMPIETRO  
BILLY K. ROBERTS  
ELIZABETH TORRES GIAMPIETRO  
Title Owners of Tax Map No. 102-1-((7))-4-30

By: \_\_\_\_\_  
Barry H. Clark, Jr.

BARRY H. CLARK, JR.  
DAVID J. GIAMPIETRO  
BILLY K. ROBERTS  
ELIZABETH TORRES GIAMPIETRO  
Title Owners of Tax Map No. 102-1-((7))-4-30

By: \_\_\_\_\_  
David J. Giampietro

BARRY H. CLARK, JR.  
DAVID J. GIAMPIETRO  
BILLY K. ROBERTS  
ELIZABETH TORRES GIAMPIETRO  
Title Owners of Tax Map No. 102-1-((7))-4-30

By: \_\_\_\_\_  
Billy K. Roberts

BARRY H. CLARK, JR.  
DAVID J. GIAMPIETRO  
BILLY K. ROBERTS  
ELIZABETH TORRES GIAMPIETRO  
Title Owners of Tax Map No. 102-1-((7))-4-30

By: \_\_\_\_\_  
Elizabeth Torres Giampietro

**PROPOSED DEVELOPMENT CONDITIONS**

**SE 2006-MV-001**

**July 19, 2006**

If it is the intent of the Board of Supervisors to approve SE 2006-MV-001 located on parcels identified as Tax Map Nos. 102-1 ((7)) (4) 26 & 28, on 1.49 acres of property located on the corner of Richmond Highway and Boswell Avenue, to allow a drive-through pharmacy, pursuant to Par. 4h of Section 4-804 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These conditions supersede all previous development conditions associated with the subject property:

1. This Special Exception is granted for and runs with the land associated with 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 Generalized Development Plan/Special Exception Plat associated with this application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the Generalized Development Plan/Special Exception Plat entitled "Walgreens Generalized Development Plan/Special Exception Plat" prepared by Bohler Engineering, P.C., and dated August 11, 2005 as revised through July 12, 2006, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Part 4 of Section 9-004 of the Zoning Ordinance.
5. Architectural elevations shall be in substantial conformance with those shown on the Generalized Development Plan/Special Exception, including all proposed materials.
6. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on the site.
7. There shall be no outdoor storage or display of goods offered for sale on-site.
8. A maximum of one (1) drive through shall be allowed to serve the pharmacy use.

9. Within fifteen (15) to eighteen (18) months following the issuance of a Non-Residential Use Permit, the applicant shall provide a traffic impact study which assesses the impacts of the project on the adjacent transportation network, specifically on that associated with the Boswell Avenue entrance. The scope of such study shall be coordinated with and reviewed with the Fairfax County Department of Transportation (FCDOT) and the Virginia Department of Transportation (VDOT) prior to its preparation. At the time of site plan, the applicant shall provide funds in escrow to cover the cost of the entrance improvements depicted on the GDP/SE Plat, consisting of raised median prohibiting left hand turns out of the site and related signage as determined by FCDOT and VDOT, in lieu of immediate construction. The entrance improvements shown on the GDP/SE plat and noted above shall be constructed by the applicant and the escrow shall be returned to the applicant, if additional mitigation for conditions at the Boswell Avenue entrance is required following the review of the traffic impact study by FCDOT and VDOT. If additional mitigation is not required, the escrowed funds may be returned to the applicant or used for other transportation improvements in the vicinity of the site.
10. In order to mitigate the potential for vehicular conflict in the area around the interparcel access located in the northeast corner of the project site, the applicant shall provide the painted stop bars, pedestrian crosswalks, and related signage for traffic entering the site through the interparcel access from the north, pursuant to that depicted on the GDP/SE Plat.
11. A "Do Not Enter" sign shall be placed at the northeast corner of the loading area to prohibit traffic from entering the drive through lane in this area.
12. A "Do Not Block Entrance" sign shall be placed along the Boswell Avenue frontage, on the western side of the proposed entrance, on the C-8 portion of the subject property. This sign shall be in addition to, and identical in design to, the "Do Not Block Entrance" sign located along Boswell Avenue on the R-2 portion of the subject property.
13. The gravel driveway area located in the northeastern portion of the project site shall be removed and re-vegetated as determined by UFM, DPWES prior to the issuance of a Non-Residential Use Permit for the project. The re-vegetation of this area shall be shown on the landscape plan and subject to the review and approval of Urban Forest Management, DPWES.
14. All trash dumpsters shall be located in an enclosure, with a gate(s) which may be closed, and shall shield the dumpsters from public view.
15. Irrespective of that shown on the GDP/SE Plat, all lighting, including streetlights, security lighting, signage lighting, and pedestrian or other incidental lighting shall be in conformance with Article 14, Part 9 of the Zoning Ordinance.

16. Irrespective of that shown of the GDP/SE Plat, all signage shall meet the requirements of Article 12 of the Zoning Ordinance. In addition, the proposed freestanding monument sign for the site shall not exceed eight (8) feet in height, and building mounted signage shall be limited to the "Walgreens" channel lettering as shown on the GDP/SE Plat and the drive-through canopy sign shown on the same.
17. A stormwater/best management practices facility in accordance with the Public Facilities Manual (PFM) shall be provided as determined by DPWES, unless waived by DPWES.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the 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 Exceptions 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. 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.

**PROPOSED DEVELOPMENT CONDITIONS**

**SE 2006-MV-013**

**July 19, 2006**

If it is the intent of the Board of Supervisors to approve SE 2006-MV-013 located on the parcel identified as Tax Map Number 102-1 ((7)) (4) 30, on 0.52 acres of property located on Boswell Avenue, to allow a driveway for uses in a C-District on a 0.04 acre portion of the subject property, pursuant to Section 9-601(13) 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 associated with 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 Generalized Development Plan/Special Exception Plat associated with this application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the Generalized Development Plan/Special Exception Plat entitled "Walgreens Generalized Development Plan/Special Exception Plat" prepared by Bohler Engineering, P.C., and dated August 11, 2005 as revised through July 12, 2006, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Part 4 of Section 9-004 of the Zoning Ordinance.
5. As part of the site plan, a concurrent landscape plan shall be submitted that depicts supplemental landscaping consisting of an additional row of evergreen trees in the general area along the proposed drive aisle located on the western property boundary of Tax Map 102-1 ((07)) (04) 30, subject to review and approval of Urban Forest Management, in order to provide a natural barrier on the residentially zoned property. As an alternative to this supplemental landscaping, Urban Forest Management may approve the relocation of the five (5) Norway spruce and one (1) eastern red cedar from the existing landscape median along the northern property boundary of Tax Map 102-1 ((07)) (04) 28 to this area. In addition, the landscape plan shall also depict the number and sizes of trees and plantings consistent with that shown on the Generalized Development/Special Exception Plat as determined by Urban Forest Management, DPWES.

6. Irrespective of that shown on the GDP/SE Plat, the height of the proposed "Board on Board" fence identified along the eastern property boundary shall be in conformance with the Zoning Ordinance.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the 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 Exceptions 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. 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.