

DEVELOPMENT CONDITIONS

SE 2005-SU-031

September 25, 2006

If it is the intent of the Board of Supervisors to approve a special exception to permit a drive-through pharmacy and drive-in bank as requested by Unicorp National Developments, Inc. (hereinafter the "Applicant"), located at Tax Map 54-4 ((1)) 47A, 50, 55, 56 and 57, in accordance with Sect. 9-501 and Sect. 9-611 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (hereinafter the "DPWES"). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "The Shops at Centreville's Gateway Special Exception Plat" consisting of nine sheets prepared by Bohler Engineering, P.C., dated February 9, 2006 as revised through September 1, 2006 (the "Special Exception Plat"), except as modified by these development conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A detailed landscaping plan that is in substantial conformance with the location, type and quantity of the landscaping shown on the Special Exception Plat, except as modified by these development conditions, shall be submitted at the time of site plan approval and subject to review and approval by Urban Forest Management (UFM). In addition to the plantings depicted on the SE Plat, the plan shall enhance the plantings proposed along the entire northwestern boundary, including the planting area across from the exit of the bank drive-in in order to better screen it from Lee Highway. The selection of plant materials utilized on site shall maximize indigenous materials, as approved by UFM. Prior to final approval of the site plan, the landscape plan, which shall include proposed site lighting and internal pedestrian connections, shall be submitted to the Architectural Review Board for review and comment.

5. Architectural elevations shall be in substantial conformance with those shown on the Special Exception Plat, as modified to accommodate adjustments in accordance with the suggestions of the Architectural Review Board (hereinafter the "ARB") as depicted on the elevations dated September 14, 2006.
6. An architectural surface treatment shall be used on the face of all retaining walls. The surface treatment shall either be predominantly, or a combination of, stone aggregate, special forming, or scoring, special mix of textures or polymer paint materials, bricks, screening materials, pre-cast concrete, architectural embellishments and/or other treatments that are consistent with existing materials in Historic Centreville and compatible with and complement the building architecture and materials, as approved by DPWES and reviewed by the ARB. Any retaining walls that exceed 3 feet in height and that are not required for public safety reasons shall be permitted only after a determination by the Department of Planning and Zoning (hereinafter "DPZ") that the wall(s) are in substantial conformance with the Special Exception Plat. Railings required for any retaining wall over three (3) feet in height, per the Public Facilities Manual, shall be of cast iron or equivalent material.
7. An entrance feature shall be constructed on the site at the intersection of Route 29 and Braddock Road Realigned, as shown on the Special Exception Plat as "proposed entrance amenity area," to create a historic area focal point for the community. At a minimum, this feature shall consist of a decorative stone wall constructed of or faced with stone to complement the stone wall on the Royal Oak property [Tax map 54-4 ((1)) 31]; and whose foundation shall be embellished with seasonal plantings, as determined by Urban Forest Management. The final design of this feature shall be coordinated with the Sully District Supervisor's Office and the Department of Planning and Zoning (DPZ), and shall consist of building materials and construction techniques consistent with the proposed community entrance feature to be located immediately across Braddock Road Realigned, on Tax Map Number 54-4 ((1)) 53A, with whichever property develops first setting the standard. A sign board for advertising community events may be provided either within this "entrance amenity area or in the "community area" designated on the Special Exception Plat, as determined by the Applicant. This sign board shall be consistent in quality in appearance to Exhibit A.
8. Each of the two (2) areas abutting Braddock Road and designated as an "interactive historic area" or "community area" on the Special Exception Plat shall include an amenity feature to be determined by the Sully District Supervisor's Office in coordination with the DPZ. At a minimum, a historic marker shall be erected in the "interactive historic area" adjacent to the Braddock Road entrance to commemorate the Newgate Tavern. The marker shall be a Fairfax County Park Authority-style wayside trail marker, no greater than eight (8) square feet in area which shall be placed in a location which provides optimum visibility for pedestrians. Funding for the completion of the archival research that supports the

marker, an amount not to exceed One Thousand Dollars (\$1000.00), shall be provided by the Applicant, with the Sully District Supervisor having final approval of the text prior to the manufacturing of the marker.

9. The areas designated as "interactive historic area" and "community area" on the Special Exception Plat shall be landscaped utilizing plant material similar to the plantings chosen for the entrance feature described in Development Condition #7 above, and as approved by the Sully District Supervisor's Office and Urban Forest Management.
10. The plant materials selected for the "entrance feature" shall be coordinated with and shall be consistent with those chosen for the "entrance feature" located immediately across Braddock Road Realigned, on Tax Map Number 54-4 ((1)) 53A, with whichever property develops first setting the standard.
11. The large area of striped pavement shown on the Special Exception Plat near the entrance to the pharmacy shall be reduced in area to the extent possible as determined by LDS, DPWES and the pavement replaced with a planting bed planted with materials, to be determined by Urban Forest Management, to soften the appearance of the building from Route 29.
12. All sidewalks abutting Braddock Road Realigned and Braddock Road shall be of a decorative exposed aggregate material designed to differentiate the surface from the existing concrete sidewalks and distinguish this area as part of the Centreville History Loop Trail. A public access easement over the sidewalk shall be recorded, in a form reviewed and approved by the Fairfax County Attorney's Office; and the Applicant and/or its successors shall be responsible for the on-going maintenance of the trail located on the Property, unless such maintenance responsibility is accepted by VDOT or Fairfax County.
13. Notwithstanding the signage shown on the Special Exception Plat, all signage shall comply with the provisions of Article 12 of the Zoning Ordinance. Only one freestanding "monument" sign, less than eight feet in height, shall be permitted on the site. This sign may only be illuminated internally or down lit. No building-mounted or canopy signage shall face the Historic District, and there shall be no neon signage located in the windows of the buildings, internal or external, visible from Lee Highway. Pharmacy signs shall be limited to the name of the pharmacy and directional signage associated with the drive-through.
14. All outdoor lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
15. If required by state or federal regulations, petroleum fuel tanks and/or products located on the site as a result of its previous use as a gasoline station shall be removed in accordance with federal, state, and local regulations in order to insure that any environmental contamination that may have occurred is

appropriately remediated. Prior to site plan approval, an independent environmental site investigation conducted by a qualified consultant shall be conducted and provided to DPWES for review and approval in coordination with the Department of Health, Fire and Rescue Department, Soil Sciences Office, Virginia Department of Environmental Quality and other appropriate agencies, as determined by DPWES. This investigation will consist of:

- a. A "Phase I" investigation of the subject property generally consistent with procedures described within the American Society for Testing and Materials document entitled, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process," as determined by DPWES in coordination with the aforementioned reviewing agencies; and
 - b. If warranted by the results of the Phase I investigation, as determined by DPWES in coordination with the reviewing agencies, the applicant shall develop and implement a "Phase II" monitoring program. This program shall be sufficient to determine if soil, surface water, and/or groundwater contaminants, such as hazardous substances and petroleum are present on the property. Monitoring parameters (e.g. number of monitoring sites, locations; substances to be tested for, etc.) shall be subject to the review and approval of DPWES and the reviewing agencies.
 - c. If as a result of the Phase II investigation it is determined that contamination levels of soil or water require remedial action, then a remediation program shall be performed in accordance with all applicable federal, state and county requirements. Sufficient documentation of the completion of the program or of an appropriate corrective action plan consistent with the development, as determined by DPWES in coordination with the reviewing agencies, shall be provided to DPWES prior to site plan approval.
16. Prior to site plan approval, a contribution shall be made to the Centreville Transportation Fund for transportation improvements in the Centreville Area in the amount of \$5.28 per sf of gross floor area, as adjusted by increases to the consumer price index from the date of the Board of Supervisors' approval of this application to the date of site approval.
 17. As depicted on the included elevations, dumpsters shall be screened on three sides with masonry walls and a solid wood gate.
 18. In accordance with Part 6 of Article 7 of the Zoning Ordinance, there shall be no outdoor storage or display of goods offered for sale.
 19. Prior to any land disturbing activities on that portion of the property located on Tax Map 54-4 ((1)) 47A and 57 part, as generally depicted on Exhibit A, a Phase

I archaeological study shall be conducted on part of Parcel 57 as generally depicted on Exhibit B, and a Phase II archaeological study shall be conducted on Parcel 47A, by a qualified archaeological professional identified on the Virginia Department of Historic Resources Consultants Directory, to standards for a Phase I and Phase II study as set forth in the State of Virginia's "Guidelines for Conducting Cultural Resources Surveys". The results of the studies shall be provided to the Cultural Resources Management and Protection Section (CRMPS) of the Fairfax County Park Authority. From the date CRMPS receives the studies, CRMPS shall have 15 working days to review the findings and recommendations of the studies and to respond to the archaeological professional with a recommended course of action. If it is determined that further study and/or recovery is necessary, then a Phase III study shall be completed by a qualified archaeological professional, as approved by CRMPS, or \$35,000.00 shall be contributed to the Cultural Resources Proffer Fund, to be utilized for the performance of a Phase III study by CRMPS or their designated agent. The Phase III study shall be completed to the satisfaction of CRMPS within a timeframe mutually agreed upon by CRMPS and the applicant, which shall not interfere with on-site construction activities associated with the SE.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permits through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.