



County of Fairfax, Virginia

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

July 14, 2010

Michelle A. Rosati
Holland and Knight LLP
1600 Tysons Boulevard, Suite 700
Arlington, VA 22102

Re: Special Exception Application SE 2009-MA-023

Dear Ms. Rosati:

At a regular meeting of the Board of Supervisors held on July 13, 2010, the Board approved Special Exception Application SE 2009-MA-023 in the name of CVS 2003 VA, LLC. The subject property is located at 8630 and 8700 Little River Turnpike on approximately 1.85 acres of land, zoned C-5 in the Mason District [Tax Map 59-3 ((7)) 11 and 11B]. The Board's action permits a drive-through pharmacy, pursuant to Section 4-504 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. 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 Fairfax County during the hours of operation on the permitted site.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
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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 approved Special Exception Plat entitled "CVS/pharmacy", prepared by Bohler Engineering, consisting of 7 sheets dated December 18, 2008, as revised through June 24, 2010, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. Architecture shall be provided in general conformance with the elevations contained in the SE Plat.
6. A landscape plan shall be submitted concurrent with site plan review and shall provide for the number and sizes of trees and plantings consistent with that shown on the SE Plat and shall be subject to the review and approval of Urban Forest Management Division (UFMD), DPWES.
7. All signs shall be in conformance with Article 12 of the Zoning Ordinance. Pole mounted and pylon signs shall be prohibited, with the exception of those signs permitted by Section 12-103 of the Zoning Ordinance. No building mounted signage shall directly face Woodburn Road or adjacent property to the north except the drive-through canopy signage as depicted on the SE Plat.
8. Painted stop bars, pedestrian crosswalk, and related directional signage for traffic entering, circulating and exiting the site shall be provided on site, pursuant to that depicted on the SE Plat.
9. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on the site.
10. There shall be no outdoor storage or display of goods offered for sale on-site.
11. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in accordance with the Performance Standards contained in Par. 9 of Article 14 of the Zoning Ordinance. Any freestanding outdoor lighting fixtures shall be limited to a height of 26 feet or the maximum allowed by Par. 2 of Sect. 14-902 of the Zoning Ordinance, whichever is less.
12. Unless waived or modified by DPWES, Stormwater Management (SWM)/Best Management Practices (BMPs) shall be provided on site in accordance with Public Facilities Manual (PFM) requirements. Adequate

outfall shall be provided for the site in substantial conformance with the SE Plat and the PFM.

13. Right-of-way up to 40 feet from the centerline along Prosperity Avenue, as shown on the SE Plat, shall be dedicated to the Board of Supervisors in fee simple at no cost, at the time of site plan approval or upon demand (whichever occurs first).
14. A maximum of two (2) drive-through lanes shall be allowed to serve the pharmacy use. The drive-through lanes shall be used only for the drop-off and pick-up of prescriptions and pharmaceuticals. No general retail sales shall be permitted from the drive-through. The hours of operation of the drive-through lanes shall be limited to Monday through Friday from 8:00 a.m. to 10:00 p.m. and Saturday and Sunday from 9:00 a.m. to 6:00 p.m. The hours of operation of the drive-through pharmacy (store), separate from the drive-through lanes, shall be limited to Monday through Sunday from 8:00 a.m. to 10:00 p.m.
15. Any proposed wall or fence along Woodburn Road and Little River Turnpike shall be limited to four (4) feet in height, in accordance with Par. 3 of Sect. 10-104 of the Zoning Ordinance. The final design of any wall(s) or fence(s) proposed within the landscape buffer(s) shall be included as an elevation(s) in the site plan for review and approval by DPWES.
16. Sight distance profiles shall be submitted to DPWES with the site plan for the review and approval by the Virginia Department of Transportation and Fairfax County Department of Transportation.
17. All trash dumpsters shall be fully screened with an architecturally solid material and gate(s), as shown on the SE Plat. The gate(s) shall remain closed except when in use.
18. In order to keep the site reasonably free from litter and debris, an employee shall be designated to pick up litter around the site on a regular basis.

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

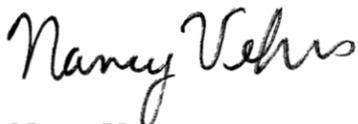
Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional

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

The Board also:

- Modified the trail requirement along Route 236 in favor of that shown on the SE Plat.
- Modified the transitional screening requirement along the northern, eastern and southern property lines in favor of that shown on the SE Plat.
- Modified the peripheral parking lot landscaping requirement along the western property line in favor of that shown on the SE Plat.
- Modified the barrier requirements along the eastern and southern property lines in favor of that shown on the SE Plat.
- Directed the Director of the Department of Public Works and Environmental Services to permit deviation from the tree preservation target percentage, in favor of the proposed landscaping shown on the SE Plat.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor Penelope Gross, Mason District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation