



County of Fairfax, Virginia

September 19, 2016

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SEP 21 2016

Zoning Evaluation Division

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Clerk to the Commission

Sara V. Mariska, Esquire
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

**Re: PCA 84-S-027-08/FDPA 84-S-027-06 – MACS Retail LLC
Sully District**

Dear Ms. Mariska:

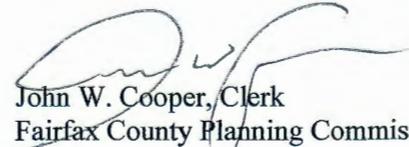
At its September 14, 2016 meeting, the Planning Commission voted 9-0 (Commissioners Hedetniemi, Lawrence and Strandlie were absent from the meeting.) to **RECOMMEND APPROVAL** of PCA 84-S-027-08, subject to the execution of proffers dated August 3, 2016. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to the final decision by the Board of Supervisors.

Concurrently, the Planning Commission voted 9-0 (Commissioners Hedetniemi, Lawrence and Strandlie were absent from the meeting.) to **APPROVE** the FDPA 84-S-027-06 application, subject to the development conditions dated August 30, 2016, as revised. A verbatim transcript and copy of the approved development conditions are attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits.

Sincerely,


John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Kathy L. Smith, Supervisor, Sully District
Karen Keys-Gamarra, Planning Commissioner, Sully District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board
of Supervisors, County Executive Office
Carmen Bishop, Staff Coordinator, ZED, DPZ
✓ Robert Harrison, ZED, DPZ
September 14, 2016 date file

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Fairfax County Planning Commission
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Planning Commission Meeting
September 14, 2016
Verbatim Excerpt

PCA 84-S-027-08/FDPA 84-S-027-06 – MACS RETAIL, LLC

After close of the public hearing.

Chairman Murphy: Public hearing is closed. Recognize Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Mr. Chairman, thank you. I request that the application, let me take my glasses off, Mr. Chairman I request that the applicant confirm for the record their agreement to - to the proposed final development plan amendment conditions dated August 30th, 2016, with the Condition 15 revised as follows: "Loading for the quick service food store will take place from the west side of the gas station canopy. All loading and fuel deliveries shall take place during off-peak hours, and shall not occur from 6:00 a.m. to 9:00 a.m. or from 4:00 p.m. to 9:00 p.m."

Chairman Murphy: Ms. Mariska.

Ms. Sara Mariska, Walsh, Colucci, Lubeley & Walsh, P.C., Applicants Attorney: We agree with those conditions.

Commissioner Keys-Gamarra: Thank you.

Chairman Murphy: Thank you very much.

Commissioner Keys-Gamarra: I also hope that will help that traffic he was talking about. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 84-S-027-08, SUBJECT TO THE PROFFERS DATED AUGUST 3RD, 2016.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 84-S-027-08, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: Also, I MOVE THAT THE PLANNING COMMISSION APPROVAL FDPA 84-S-027-06, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED AUGUST 30TH, 2016, WITH THE MODIFICATION TO CONDITION 15 AS PREVIOUSLY STATED AND THE BOARD OF SUPERVISORS APPROVAL OF PCA 84-S-027-08.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion of the motion? All those in favor of the motion to approve FDPA 84-S-027-06, subject to the Board's approve the PCE – PCA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: I also MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS DATED SEPTEMBER 14TH, 2016, WHICH SHALL BE PART OF A – PART OF IT – MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried by a vote of 9-0. Commissioners Hedetniemi, Lawrence and Strandlie were absent from the meeting.)

TMW

PROPOSED DEVELOPMENT CONDITIONS

FDPA 84-S-027-06

As Revised by the Planning Commission on September 14, 2016

If it is the intent of the Board of Supervisors to approve FDPA 84-S-027-06 for a quick service food store and modifications to a service station in the Sully Station Shopping Center located at Tax Map 44-3 ((7)) B3 (pt.), pursuant to Sect. 6-103 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions which are in addition to all previously approved conditions:

1. This approval is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Final Development Plan Amendment (FDPA) approved with the application, as qualified by these development conditions.
2. This FDPA is subject to the provisions of Article 17 of the Zoning Ordinance, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any site plan submitted pursuant to this FDPA shall be in substantial conformance with the approved FDPA titled "Proffered Condition Amendment, Final Development Plan Amendment for Sully Station Shopping Center," prepared by Core State Group and consisting of thirteen sheets dated June 19, 2015, as revised through August 3, 2016, and these conditions. Minor modifications to the approved FDPA may be permitted pursuant to Sect. 16-403 of the Zoning Ordinance.
3. The maximum gross floor area of the quick service food store and the storage/food enclosure shall be a total of 3,910 square feet.
4. The exterior design, building materials and colors used in construction of the quick service food store and the storage structure shall be consistent on all four sides and shall generally conform to the character and quality of the perspective and elevations contained in the FDPA.
5. The following green building technology and strategies shall be incorporated into the quick service food store, and proof of each shall be demonstrated to the Environment and Development Review Branch (EDRB) of the Department of Planning and Zoning, prior to final bond release.
 - A. The Applicant shall install ultralow-flow plumbing fixtures throughout the building with the maximum water usage as listed below. In addition, motion sensor faucets and flush valves shall be installed in public area restrooms. Proof of installation and manufacturers' product data shall be provided to the EDRB.

Water Closet (gallons per flush, gpf) = 1.28

Urinal (gpf) = 0.5

Showerheads (gallons per minute, gpm) = 2.0 (when measured at a flowing pressure of 80 pounds per square inch, psi)

Lavatory faucets (gpm) = 1.5 (when measured at a flowing water pressure of 60 psi)

Kitchen and janitor sink faucets (gpm) = 2.20

Metering faucets (gpm) = 0.25

- B. The Applicant shall use low-emitting materials for all adhesives, sealants, paints, coatings, flooring systems, composite wood, and agrifiber products, as well as furniture and furnishings if available. Low-emitting is defined according to the following table:

Application	(VOC Limit g/L less water)
Carpet Adhesive	50
Rubber floor adhesive	60
Ceramic tile adhesive	65
Anti-corrosive/ anti-rust paint	250
Clear wood finishes	350

The Applicant shall provide proof of installation and the manufacturers' product data to the EDRB.

- C. Energy Star appliances and equipment shall be installed for all refrigerators, dishwashers, water heaters, computers, monitors, televisions, vending machines, water coolers, and other appliances and office equipment (if available). Proof of installation, installation locations and manufacturers' product data, including the Energy Star energy guide, shall be provided to the EDRB.
- D. The Applicant shall have a construction waste management plan that consist of hiring a waste removal and diversion company to process all construction waste at a recycling center. The Applicant shall provide a copy of the waste removal contract as proof of compliance to the EDRB.
- E. An area for the separation, collection and storage of glass, paper, metal, plastic and cardboard shall be provided. There shall be a dedicated area on the Application Property for the storage of the recycled materials. The Applicant shall provide proof of installation, installation locations, and a copy of the Applicant's hauling contract to the EDRB.
- F. The Applicant shall use materials that include recycled content for items such as flooring, ceiling, wall tiles, carpet, etc. The Applicant shall provide proof of installation and the manufacturers' product data indicating the recycled content.

6. Existing lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting may remain. All new and replacement outdoor lighting fixtures shall be in accordance with the Performance Standards of Article 14 of the Zoning Ordinance.
7. A parking tabulation which demonstrates that parking requirements are met for all uses in the shopping center shall be approved by the Department of Public Works and Environmental Services (DPWES) prior to the issuance of the Non-RUP for the quick service food store and any approved additions to the Sully Station Shopping Center. All parking spaces shall conform to the provisions of Article 11 of the Zoning Ordinance and the geometric design standards in the Public Facilities Manual, as determined by DPWES.
8. The Applicant shall provide landscaping, including trees and shrubs, in substantial conformance with the FDPA. The exact number, species, location and spacing of trees and other plant material shall be determined at the time of site plan review and shall be subject to review and approval of the Urban Forest Management Division (UFMD), DPWES.
9. Landscape Planting Pre-installation Meeting: Prior to installation of any plants to meet the requirements of the approved landscape planting plan, the contractor/developer shall coordinate a pre-installation meeting on the site with the landscape contractor, UFMD staff, and any additional appropriate parties. Any proposed changes to planting locations, tree/shrub planting sizes, and species substitutions shown on the approved plan shall be reviewed and must be approved by UFMD staff prior to planting.
10. Tree Preservation Plan: The Applicant shall submit a Tree Preservation Plan and Narrative as part of all subsequent plan submissions. The Tree Preservation Plan and Narrative shall be prepared by a Certified Arborist or Registered Consulting Arborist, and shall include elements of PFM 12-0509.
11. Tree Protection Fencing: The Applicant shall provide appropriate tree protection devices, based on site conditions and proposed construction activities at time of site plan. Tree protection fence shall consist of four-foot high welded wire attached to six-foot steel posts driven 18 inches into the ground and space no further than 10 feet apart; or super silt fence.
12. Tree Preservation Measures: Tree preservation measures shall be clearly identified, labeled, and detailed on the Erosion and Sediment Control Plan sheets and Tree Preservation Plan. Tree preservation measures may include, but are not limited to the following: root pruning, crown pruning, mulching, watering, etc. Specifications shall be provided on the plan detailing how preservation measures shall be implemented. Tree preservation activities shall be completed during implementation of Phase 1 of the Erosion and Sediment Control Plan.

13. Demolition: The demolition of all existing structures and site features within or adjacent to tree preservation areas shall be accomplished in the least disruptive manner practical as reviewed and approved by UFMD. All tree protection fencing shall be in place and verified by a County representative prior to commencement of demolition activities.
14. Site Monitoring: The Applicant's Project Arborist shall be present on site during implementation of the Phase 1 Erosion and Sediment Control Plan and monitor any construction activities conducted within or adjacent to areas of trees to be preserved. Construction activities include, but may not be limited to clearing, root pruning, tree protection fence installation, vegetation/tree removal, and demolition activities. During implementation of Phase 2 Erosion and Sediment Control Plan, the Project Arborist shall visit the site on a regular basis to continue monitoring tree preservation measures and ensure that all activities are conducted as identified in the Tree Preservation Plan and approved by UFMD. Written reports shall be submitted to UFMD and SDID site inspector detailing site visits. A monitoring schedule and Project Arborist reports shall be described and detailed in the Tree Preservation Plan.
15. Loading for the quick service food store will take place from the west side of the gas station canopy. All loading and fuel deliveries shall take place during off-peak hours, and shall not occur from 6:00 a.m. to 9:00 a.m. or from 4:00 p.m. to 9:00 p.m.

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

The Applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures.

Waivers and Modifications
PCA 84-S-027-08
MACS Retail, LLC
September 14, 2016

- Reaffirmation of the modification of the transitional screening and barrier requirements of Sections 13-303 and 304 of the Zoning Ordinance in favor of the existing landscaped vegetation.
- Waiver of the loading space requirement of Section 11-200 of the Zoning Ordinance for the FDPA area, as conditioned.
- Modification of the open space requirement for the FDPA area, pursuant to Section 6-110 of the Zoning Ordinance for the FDPA area to permit 13 percent in lieu of 20 percent, with the overall open space for the shopping center remaining at 20 percent.