



County of Fairfax, Virginia

November 4, 2016

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Department of Planning & Zoning

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Zoning Evaluation Division

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Clerk to the Commission

Lynne Strobel, Esquire
McGuireWoods LLP
2200 Clarendon Boulevard, Ste 1300
Arlington, Virginia 22201

**Re: SE 2016-DR-009 – SENECA CORNER ASSOCIATES, LLC
Dranesville District**

Dear Ms. Strobel:

At its November 2, 2016 meeting, the Planning Commission voted 8-0-2 (Commissioners Sargeant and Strandlie abstained. Commissioners Hedetniemi and Lawrence were absent from the meeting.) to **RECOMMEND APPROVAL** of SE 2016-DR-009, subject to the development conditions dated November 1, 2016. A copy of the verbatim transcript and referenced development conditions are 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 final decision by the Board of Supervisors.

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 obtaining the necessary permits such as Building Permits, Residential Use Permits and Non Residential Use Permits. Information concerning building permits may be obtained by calling 703-222 0801.

Sincerely,


John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: John W. Foust, Supervisor, Dranesville District
John Ulfelder, Planning Commissioner, Dranesville District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Kelly Posusney, Staff Coordinator, ZED, DPZ
✓ Robert Harrison, ZED, DPZ
November 2, 2016 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



SE 2016-DR-009 – SENECA CORNER ASSOCIATES, LLC

Decision Only During Commission Matters
(Public Hearing held on October 19, 2016)

Commissioner Ulfelder: Thank you, Mr. Chairman. We have a decision only this evening on a matter in Great Falls that was heard on October 19th, involving a special exception application on a site that is already split-zoned commercial and residential for a drive-thru window for picking up prescriptions at a proposed CVS at that site. We had a number of speaker – we had several speakers at our public hearing who raised issues, primarily some issues about the traffic at that – at the intersection of Seneca Road and Georgetown Pike where this particular site is located. And we heard from the applicant's consultant who had done a – an analysis of the traffic expected – the current traffic, the expected traffic, and even a sensitivity analysis to look at what might happen if there was a significant increase in the amount of traffic than other – than was predicted based on the International Traffic Engineers studies. I'm familiar with that intersection. I served on the Georgetown Pike Traffic Calming Study in the late 90's, was also - the issue came up in the mid – about 2005 when the current site plan was approved for a large office facility on that site. And it was something that was debated significantly as part of the Route 7 widening and the decision is how best to try to re-engineer what is, at best, a complicated and somewhat difficult interchange between Georgetown Pike, Route 7, and Seneca Road coming down from the north. With all that being said, I think that the – we have to remember that this is just an SE for a drive-thru. It's not a rezoning. And, based on the studies, it shows that there would not be a significant impact on traffic from the proposed facility. I also hope after this, as we move forward with this, that the Virginia Department of Transportation will be encouraged to keep an eye on that intersection, particularly after the new facility, if it's approved, is built. And I think the other part of some of the complaints that we heard from the speakers is the lack of enforcement at that intersection in terms of particularly evening rush hour traffic and blocking the box and other violations or other problems that create problems for people who live further up Seneca Road and they're trying to get down onto Georgetown Pike or Route 7 in the evening rush hour. And so I think that another step we can take is to work with the police department to make sure that there's an adequate enforcement presence to try to address some of those problems as well. Since the Planning Commission hearing, the applicant has met with the Great Falls Citizen Association representatives. As well as, representatives of the Great Falls Woods Homeowners Association, which is the subdivision immediately to the west and adjacent to this site. They have made a number of changes to the proposed development conditions which were, I believe, sent out to the Planning Commissioners yesterday and are reflected in the new, newest version of the proposed development conditions. And we've heard from the Great Falls Woods HOA by email that they feel that their issues have been addressed. And I've also had some email correspondence with the Great Falls Citizen Association, who feel that their key issues have been addressed as well. And so I'm going to move forward with this. I think we need a representative of the applicant to come down. Sara?

Sara Mariska, Applicant's Agent, Walsh, Colucci, Lubeley and Walsh, PC: Good evening. I'm Sara Mariska.

Commissioner Ulfelder: You are not Lynne Strobel.

Ms. Mariska: With the law firm of Walsh, Colucci, here in Lynne Strobel's place this evening. And we have reviewed, and are in agreement with, the conditions dated November 1st, 2016.

Commissioner Ulfelder: Thank you very much. With that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2016-DR-009, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED NOVEMBER 1st, 2016.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2016-DR-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Mr. Chairman?

Chairman Murphy: Yes, Ms. Strandlie?

Commissioner Strandlie: I would like to abstain, please.

Chairman Murphy: Okay, Ms. Strandlie abstains.

Commissioner Sargeant: I'm going to abstain, too. Not present for the public hearing.

Chairman Murphy: Okay, Mr. Sargeant abstains.

Commissioner Ulfelder: Second motion, I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS, AS LISTED IN THE HANDOUT DATED NOVEMBER 2ND, 2016, THAT WAS PROVIDED TO YOU TODAY AND WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion as articulated by Mr. Ulfelder, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstentions.

Commissioner Strandlie: Yes, I was here.

Chairman Murphy: So noted.

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(The motions carried by a vote of 8-0-2. Commissioners Sargeant and Strandlie abstained. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

TMW

DEVELOPMENT CONDITIONS

SE 2016-DR-009

November 1, 2016

If it is the intent of the Board of Supervisors to approve Special Exception SE 2016-DR-009, located at 1020 Seneca Road [Tax Map 6-4 ((3)) 1] to permit a pharmacy with drive-through, staff recommends that the Board of Supervisors condition the approval by requiring conformance with the following development conditions:

1. This Special Exception (SE) is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This SE 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 these SE conditions, along with 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 hours of operation for the permitted use.
4. This SE is subject to the provisions of Article 17, Site Plans, as may be determined by DPWES. Any plan submitted pursuant to this SE shall be in substantial conformance with the approved Special Exception Plat (SE Plat) entitled "Special Exception Plat for Seneca Corner, Dranesville District, Fairfax County, Virginia, SE 2016-DR-009," submitted by CPJ Associates dated April 26, 2016, revised through September 26, 2016, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
5. A copy of the site plan, which shall include proposed landscaping and monument signs, shall be delivered to the Great Falls Citizens Association at time of its submission to the Department of Public Works and Environmental Services (DPWES).
6. The permitted uses in the additional 5,760 square foot retail building on the subject site shall be limited to the uses listed below:
 - a. Accessory uses as permitted by Article 10 of the Zoning Ordinance.
 - b. Business services and supply service establishments.
 - c. Community clubs, centers and meeting halls.
 - d. Cultural centers, museums.
 - e. Eating establishments
 - f. Fast food restaurants without drive-through, limited to 1,500 square feet.
 - g. Financial institutions.
 - h. Garment cleaning establishments.

- i. Health clubs.
 - j. Offices.
 - k. Personal service establishments.
 - l. Private clubs and public benefit associations.
 - m. Private schools of special education.
 - n. Public uses.
 - o. Quick-services food stores.
 - p. Repair service establishments, excluding the repair of lawnmowers.
 - q. Retail sales establishments.
 - r. Telecommunication facilities.
 - s. Veterinary hospitals.
 - t. Wholesale trade establishments.
7. Prior to site plan approval, it shall be demonstrated in writing to the Department of Public Works and Environmental Services (DPWES) that the applicant has obtained permission from the Virginia Department of Transportation (VDOT) to landscape within the right-of-way.
 8. All signage shall conform to the provisions of Article 12 of the Zoning Ordinance.
 9. One or more signs shall be located on the property stating that no overnight parking is permitted and that violators will be towed.
 10. Trash shall be stored in the masonry enclosure as depicted on the SE Plat. The gates on the enclosure shall remain closed, except during trash pick-up times.
 11. All trash containers shall be located within the enclosures as shown on the SE Plat. The height of the enclosure shall be higher than the tallest trash container to provide appropriate screening. The enclosure shall be large enough to contain all trash containers with sufficient capacity to contain all refuse generated by the uses on the property.
 12. There shall be no outdoor storage or display of goods offered for sale.
 13. No sheds shall be permitted on the property after completion of construction.
 14. Prior to the installation of the planting material, an on-site pre-installation meeting shall be held with staff from Urban Forest Management Division (UFMD). Any proposed changes to the location of planting, size of trees/shrubs, and any proposed plant substitutions for species specified on the approved site plan must be approved prior to planting. The installation of plants not specified on the approved site plan, and not previously approved by, may require submission of a revision to the site plan or removal and replacement with approved material.
 15. All landscaping provided shall be native to the middle Atlantic region to the extent feasible and non-invasive as determined by UFMD. In addition, the quality and quantity of landscaping provided shall be in substantial conformance with the SE Plat.

16. Green giant arborvitae, or a comparable species as approved by UFMD, shall be installed in lieu of leland cypress in the evergreen tree screening located on the west side of the proposed six (6) foot high wood fence, as shown on sheet 5 of the SE Plat. Said evergreen trees shall be staggered to maximize the effectiveness of the screening.
17. Erosion and sedimentation control measures, including super silt fences, shall be installed at the perimeter of construction in accordance with the requirements of the Public Facilities Manual.
18. The materials and colors for the drive-through pharmacy shall be generally consistent with the Architectural Elevations included as Attachment 1 to these development conditions.
19. The proposed retaining wall located in proximity to the northern property line shall have a brick veneer. The brick shall be the same color as the brick used for the pharmacy building.
20. The additional 5,760 square foot retail building shall be generally compatible with the drive-through pharmacy building including building materials; however, a different type of roof and/or window treatments may be used so long as the size of the windows remain generally consistent with the Architectural Elevations included as Attachment 1 to these development conditions.
21. The hours of operation for the pharmacy and the drive-through window shall be limited to no earlier than 8:00 a.m. and no later than 10:00 p.m. The hours of operation of the tenants in the 'Permitted C-8 Uses' building on the southern portion of the site shall be limited to no earlier than 6:00 a.m. and no later than 12:00 a.m.
22. A drive-through window shall not be permitted for any use located in the additional 5,760 square foot retail building as shown on the SE Plat without an amendment to this special exception.
23. Since the property lies within the Dranesville Battlefield and may contain cultural resource significance, a Phase I archeological survey shall be conducted prior to site plan approval and any necessary follow-up studies, including Phase II and Phase III archeological surveys, shall be conducted prior to land disturbing activity.
24. Prior to the issuance of the first Non-RUP on the subject site, a historical marker shall be located on the Application Property in coordination with the Archaeology and Collections Branch (ACB) of the Park Authority's Resource Management Division, to describe the historical significance of Georgetown Pike and/or the Great Falls area. The text for the marker shall be provided by ACB. Notwithstanding the foregoing, any delays in the coordination process for the historical marker, through no fault of the Applicant, shall not preclude the issuance of a Non-RUP on the Application Property.

25. A sign, not exceeding 2 square feet, shall be posted in the vicinity of the stacking area stating the limitations on the use of the drive-through window.
26. All maintenance activities, such as leaf blowing and sweeping, and deliveries shall take place in accordance with the requirements of the Fairfax County Noise Ordinance.
27. The property, including, but not limited to, parking areas, buildings, lighting and landscaping, shall be maintained and kept in good repair.
28. Construction vehicles shall not be allowed to park on Seneca Road, Preserve Drive, or Jordan Lane either during the day or overnight.
29. In order to promote sustainable design, the following measures shall be taken in conjunction with the construction of each of the proposed buildings identified on the Special Exception Plat prepared by Charles P. Johnson & Associates, Inc., dated April 26, 2016 as revised through September 26, 2016 (the "SE Plat"). A LEED-AP shall be included as a member of the design team. The LEED-AP will work with the Applicant to incorporate sustainable design elements and innovative technologies into the proposed buildings. Prior to site plan approval, documentation will be provided to the Environment and Development Review Branch (EDRB) of DPZ, demonstrating compliance with the commitment to engage such a professional.

Prior to the final construction bond release for each phase, the LEED-AP shall submit a certification statement to EDRB, including supporting documentation as detailed below, confirming that the green building elements listed below have been incorporated into the design and construction of the building(s).

Green building elements for inclusion in the project:

- A. Native and non-invasive species, including perennials and seed mixes, shall be used exclusively for landscape and other plantings on the property. Planting lists showing species and location of plantings on the landscape plan shall be submitted with the site plan.
- B. LED or fluorescent lamps shall be incorporated in the interior building light fixtures to the extent possible.
- C. Motion sensor faucets, flush valves, and ultralow-flow plumbing fixtures that have a maximum water usage as listed below shall be used in restroom facilities in the building(s).

Water Closet (gallons per flush, gpf): 1.28
Urinal (gpf): 0.5
Showerheads (gallons per minute, gpm*): 20
Lavatory faucets (gpm**): 1.5

Kitchen and janitor sink faucets: 2.20
Metering faucets: 0.25

*When measured at a flowing water pressure of 80 pounds per square inch (psi).

**When measured at a flowing water pressure of 60 pounds per square inch (psi).

- D. Low-emitting materials shall be used for all adhesives, sealants, paints, coatings, floor systems, composite wood, and agrifiber products. Low-emitting is defined according to the following table:

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

- E. Carpet and carpet padding shall be installed that meets the testing and product requirements of the Carpet and Rug Institute Green Label Plus program. Manufacturers' product data shall be provided prior to the issuance of a Non-RUP.
- F. Vinyl composition tile and rubber flooring shall be installed which meets the requirements of the FloorScore certification program. Manufacturers' product data and certification letter shall be provided prior to the issuance of a Non-RUP.
- G. Water heaters and roof top mechanical units will be Energy Star, or equivalent. Installation locations and manufacturers' product data, including the Energy Star energy guide, if installed, shall be provided prior to the issuance of a Non-RUP.
- H. Specific to the drive-thru pharmacy building, the following additional elements will be incorporated:
- i. A white roof; and
 - ii. An energy management system that automatically controls the HVAC equipment and lighting; turns off non-security outside lights 30 minutes after closing; and turns off water heaters after hours.

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 required Non-

Residential Use Permit (Non-RUP) 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, 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.



County of Fairfax, Virginia

October 25, 2016

**2016 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
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Clerk to the Commission

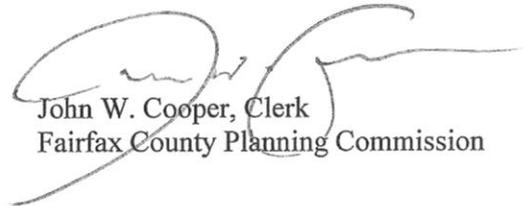
Lynne Strobel, Esquire
McGuireWoods LLP
2200 Clarendon Boulevard, Ste 1300
Arlington, Virginia 22201

**Re: SE 2016-DR-009 – SENECA CORNER ASSOCIATES, LLC
Dranesville District**

Dear Ms. Strobel:

At its October 19, 2016 meeting, the Planning Commission voted 8-0 (Commissioners Flanagan, Hedetniemi, Lawrence and Sargeant were absent from the meeting.) to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of November 2, 2016. A copy of the verbatim transcript is attached.

Sincerely,



John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: John W. Foust, Supervisor, Dranesville District
John Ulfelder, Planning Commissioner, Dranesville District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Kelly Posusney, Staff Coordinator, ZED, DPZ
✓ Robert Harrison, ZED, DPZ
October 19, 2016 date file

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Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
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Planning Commission Meeting
October 19, 2016
Verbatim Excerpt

SE 2016-DR-009 – SENECA CORNER ASSOCIATES LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. Ulfelder, please.

Commissioner Ulfelder: Thank you, Mr. Chairman. I...

Chairman Murphy: Mic

Commissioner Ulfelder: Thank you, I thought my voice was loud enough, no. I think we can – we have some - a few things we need to do based on the letter from the GFCA, the Great Falls Citizen Association, as well as some of the testimony and the comments this evening, in particular, with Great Falls Woods Homeowners Association. But I think we can do it in two weeks and unless I hear an objection from the applicant's representative. And I would urge the other parties to be available so that we can address any of these remaining issues and get this wrapped up and bring it back to the Planning Commission. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2016-DR-009, TO A DATE CERTAIN OF NOVEMBER 2ND, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2016-DR-009, to a date certain of November 2nd, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 8-0. Commissioners Flanagan, Hedetniemi, Lawrence and Sargeant were absent from the meeting.)

TMW