



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 13, 2008

DATE: November 26, 2008

SUBJECT: U-2948-98-1 USE PERMIT REVIEW for a drive-through window located at 2400 Jefferson Davis Hwy (CVS). (RPC#36-042-006)

Applicant:
CVS, Inc.

By:
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Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Blvd., 13th Floor
Arlington, VA 22201

C.M. RECOMMENDATION:

Renew, subject to all previous conditions, with a County Board in five (5) years (December 2013).

ISSUES: This is a review of a use permit for a drive-thru window for the CVS drug store located at 2400 Jefferson Davis Highway, and no issues have been identified.

SUMMARY: This is a review of the use permit for a drive-through window associated with the CVS store located at 2400 Jefferson Davis Highway. The use permit was renewed by the County Board in December 2005. Since the renewal, the applicant has remained in general compliance with the use permit conditions. Therefore, it is recommended that the use permit be renewed, subject to all previous conditions, with a County Board review in five (5) years (December 2013).

BACKGROUND: This use permit for the development and operation for a drive-through and drop-off/pick-up chute associated with a drug store and pharmacy was originally approved in December 1998 with several conditions. When last reviewed by the County Board in December 2005, the use permit was renewed subject to all previous conditions and with a three (3) year review.

DISCUSSION: Since the original approval for a drive-through window, the use permit has been reviewed five (5) times to ensure compliance with the conditions. The most recent review, December 2005, indicated that the applicant had taken measures to address previous concerns

County Manager: _____

Staff: Matthew Pfeiffer, DCPHD, Planning Division

PLA-5143

raised by staff and citizens regarding landscaping. Since then, staff has not received any complaints about either the drive-through window or landscaping on the site.

Since the Last Review (December 2005):

Use Permit Conditions: The subject use has continued to operate in general compliance with all use permit conditions. The County's Landscape Planner has reported that all landscaping on the site is in good condition.

Community Code Enforcement; Fire Marshal's Office; Police Department: The Code Enforcement staff, Fire Marshal's Office, and the Police Department have not reported any issues with the subject use.

Civic Association: Aurora Highlands Civic Association was notified of the upcoming use permit review and has responded that they have experienced no problems with the use of the drive-through at this site during the last review period.

CONCLUSION: Since the last review the applicant has maintained the property in good condition. Staff continues to encourage CVS to pay particular attention to areas of concern in the past, most importantly landscaping. Therefore, it is recommended that the use permit be continued, subject to all previous conditions and with a County Board review in five (5) years (December 2013).

PREVIOUS COUNTY BOARD ACTIONS:

- December 12, 1998 Approved Use Permit U-2948-98-1 for drive through window associated with a commercial use of drugstore and pharmacy on premises known as 2400 Jefferson Davis High. Deferred associated Comprehensive Sign Plan on premises known as 2400 Jefferson Davis Highway to the January 23, 1999 County Board Meeting.
- January 23, 1999 Deferred Comprehensive Sign Plan associated with a proposed drugstore and pharmacy on premises known as 2400 Jefferson Davis Highway to the March 13, 1999 County Board Meeting.
- March 13, 1999 Approved a comprehensive sign plan, subject to conditions, with review in December 1999.
- December 11, 1999 Approved continuance of a use permit for a drive-through window associated with the commercial use of a drug store and pharmacy and a comprehensive sign plan (RPC# 36-042-006), subject to all previous conditions, with a review in one year.
- December 9, 2000 Approved continuance of a use permit (U-2948-98-1) for a drive-through window associated with the commercial use of a drug store and pharmacy and a comprehensive sign plan (RPC# 36-042-006), subject to all previous conditions, with an administrative review in six months and a County Board review in one year.
- December 8, 2001 Continued use permit (U-2948-98-1) for a drive-through window associated with the commercial use of a drug store and pharmacy and a comprehensive sign plan subject to all previous conditions, with an administrative review in six months and a County Board review in one year. (December 2002)
- December 7, 2002 Renewed use permit (U-2948-98-1) for a drive-through window associated with the commercial use of a drug store and pharmacy subject to all previous conditions and a review in three (3) years. (December 2005)

December 10, 2005

Renewed use permit (U-2948-98-1) for a drive-through window associated with the commercial use of a drug store and pharmacy subject to all previous conditions and a review in three (3) years.
(December 2008)

Approved Conditions:

1. The developer (as used in these conditions, the term developer includes the owner, the applicant, and their successors and assigns) agrees to provide display windows flanking the corner of the building along South Eads Street to draw pedestrians in and give it a pedestrian oriented appearance. The applicant also agrees to provide and maintain ample display windows which will create the appearance and style of residential windows along the South Eads Street elevation. The final building elevations showing the incorporation of these features shall be subject to the approval of the County Manager or his designee prior to the issuance of any permits.
2. The developer agrees to comply with plans as revised by these conditions and reviewed and approved by the County Board at its December 12, 1998, meeting and made a part of the public record, together with any modifications proposed by the developer and accepted by the County Board or vice versa. The approval of this use permit expires one (1) year after the date of County Board approval if the approved plan is not under construction.
3. The developer agrees to comply with all state and local laws and regulations not modified by the County Board's action on this plan and shall obtain all necessary permits.
4. The developer agrees to file three (3) copies of a site development plan which complies with the final approval of the County Board with the Zoning Administrator within 90 days of County Board approval and before issuance of the Clearing, Grading and Demolition Permit.
5. The developer agrees to submit a detailed final site development and landscape plan at a scale no larger than 1/16 inch = 1 foot before issuance of the Excavation/Sheeting and Shoring Permit of first Building Permit, whichever comes first, and the plan shall be approved by the County Manager or his designee before issuance of the final Building Permit. In order to facilitate comparison with the final site engineering plan, the landscape plan shall be at the same scale as the engineer drawing. The County may require more detailed plans appropriate to landscape installation at a larger scale (1/16 inch = 1 foot, 1/8 inch = 1 foot, or 1/4 inch = 1 foot). The County may permit minor changes in building, street, and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site development plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by the Department of Parks, Recreation and Community Resources (DPRCR) and shall be accompanied by the site engineering plan and the two (2) plans shall be compared to ensure that there are no conflicts between street trees and utilities. Neither plan shall be approved until the landscape plan and the site engineering plan agree. The installation of all plant materials shown on the final landscape plan shall take place before issuance of the First Certificate of Occupancy. The final site development and landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, and the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final site engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets shall not be located in the public sidewalk. Transformers shall not be placed in the setback area between the building and the street;
 - b. The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways, and sidewalks as well as for address indicator signs;
 - c. The location and types of light fixtures for the building, streets, parking, and walkway areas;
 - d. Topography at two (2) foot intervals and the finished first floor elevation of all structures;
 - e. Landscaping for plaza areas, raised planters, and surface parking areas, including a listing of plant materials and showing details of planting, irrigation, and drainage; and
 - f. The location and planting details for street trees in accordance with Department of Public Works standards and specifications for planting in public rights-of-way and as shown on the approved final site engineering plan.
 - g. The applicant agrees that the building architecture and streetscape details shall be consistent with the urban design recommendations of the Arlington County Planning Division. The building shall have a brick facade.
 - h. Prior to approval by the County Manager, the applicant shall send a copy of the final landscape plan to the Presidents of the Arlington Ridge, Aurora Highlands and Crystal City Civic Associations for review and comments.
6. Landscaping shall conform to Department of Public Works standards and specifications and to the following requirements:
- a. Planting materials shall be of good nursery stock and a nursery guarantee shall be provided by the developer for two (2) years including the replacement and maintenance (to include but not be limited to pruning, feeding, spraying, mulching, weeding, and watering) of all landscape materials following issuance of the Master Certificate of Occupancy;
 - b. Planting materials and landscaping shall meet American Standard for Nursery Stock Z50.1-73 and shall also meet the following standards:
 - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Planes, Japanese Zelkovas, etc.) - a height of 12 to 18 feet with a minimum caliper of 3 to 3 1/2 inches.
 - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum height of 8 to 10 feet.
 - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.) - a height of 10 to 14 feet with a minimum caliper of 1 1/2 to 2 inches.
 - (4) Shrubs - a minimum spread of 18 to 24 inches.
 - (5) Groundcover - in 2 inch pots.

- c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager or his designee, based on accepted landscaping standards, seeding may be substituted for sod. All sod and seed shall be state certified;
 - d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed;
 - e. Soil depth shall be a minimum of four feet for trees and tall shrubs and three feet for other shrubs.
 - f. Finished grades shall not exceed a slope of three (3) to one (1) or the grade that existed before the site work began.
 - g. The developer agrees to maintain the site in a clean and well-maintained condition before issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all landscaped areas located on private property are kept in a clean and well-maintained condition after the expiration of the two (2) year guarantee required in condition number 6.a. above and to follow the terms of the maintenance agreement approved for that purpose by the Zoning Administrator.
 - h. The developer agrees to notify the DPRCR Urban Forester at 703-228-6557 at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with the staff of the DPRCR to inspect the plant material, the tree pit, and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.
 - i. The applicant agrees to maintain the street trees along the frontages of the site.
7. The developer agrees to contact all utility companies, including the electric, telephone, and cable television companies, and offer them access to the site at the time of utility installation to install their underground cables. In order to comply with this condition, the developer agrees to submit to the Zoning Administrator letters from the developer to the utility companies offering them access as stated above.
- 8.
- a. The developer agrees to construct driveway entrances and curb and gutter in accordance, where applicable, with the Virginia Department of Transportation and Arlington County Standard R-20 for concrete curb and gutter and the appropriate construction standards R-1.0, -1.1, -1.2, -1.3, and -1.4 for pavement.
 - b. The developer agrees to remove and replace existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer according to Arlington County and Virginia Department of Transportation standards and specifications.
9. Sidewalks along all street frontages of this development shall be paved with Burnie Blend brick pavers and placed on a properly engineered base approved as such by the Department of Public Works. The developer agrees to construct a ten-foot brick paver sidewalk, including street trees, along South Eads Street. Street trees shall not be placed

in the vision obstruction area. All public walkways shall be constructed to County standard. Street trees shall be guaranteed by the developer for two (2) years after final acceptance of the right-of-way improvements by the Department of Public Works. Before acceptance of the right-of-way improvements, a bond and an agreement for this guarantee period shall be submitted to the Department of Public Works by the developer and executed by the developer in favor of the County.

10. The developer agrees to submit final site engineering plans to the Department of Public Works. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. The Excavation/Sheeting and Shoring Permit shall not be issued for this site until final site engineering plans and the sequence of construction has been approved by the Department of Public Works.
11. The developer agrees to provide at their total expense, underground utility services to the pharmacy, including any transformers needed to serve the proposed pharmacy, such as electric, telephone services, etc. No aerial utilities shall be permitted along the periphery of the site, and any utility link shall not result in the installation of any new utility poles on or off-site. The applicant agrees to cooperate with future County utility undergrounding projects along South Eads Street including any easements that may be necessary in the future so that existing utility lines and overhead transformers can be placed underground. The plan shall be designed so that there are no new utility poles or pole mounted transformers provided on or off-site.
12. The developer agrees to install address indicator signs which comply with Chapter 27-12 of the Arlington County Code, or successor provision, in a location visible from the street and as shown on the final site development and landscape plan.
13. All required easements and right-of-way agreements shall be submitted to the Department of Public Works for approval and be recorded by the developer before issuance of the Footing to Grade Structure Permit or first Building Permit, whichever comes first.
14. The developer agrees to submit a performance bond estimate for the construction of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Public Works for review and approval upon approval of the final engineering plan and before issuance of the Footing to Grade Structure Permit. Upon approval of the performance bond estimate, the developer agrees to submit a performance bond and agreement for the construction or installation of all these facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Public Works and this bond shall be executed by the developer in favor of the County before the issuance of the Footing to Grade Structure Permit.
15. The final design of the loading area including brick screening walls, the design of the gates and adjacent landscaping shall be subject to the approval of the County Manager or his designee.

16. The developer agrees to ensure that all parking spaces comply with the requirements of Section 33 of the Zoning Ordinance. Unless otherwise approved by the County Board, the number of compact spaces may not exceed 40 percent of the total number of spaces provided. Drawings showing that these requirements are met shall be approved by the Zoning Administrator before issuance of the Footing to Grade Structure Permit.
17. Mechanical equipment shall be screened so as not to be visible from public rights-of-way.
18. The developer agrees to identify a representative for CVS Pharmacy, Incorporated who shall be available to the adjacent residential community to discuss any concerns of the community associated with the operation of the drive-through window. The developer agrees to provide the name and telephone number of this representative to the Aurora Highlands, Crystal City and Arlington Ridge Civic Associations and the Zoning Administrator before issuance of the Certificate of Occupancy.
19. The developer agrees to pay the capital cost for the installation of approved Arlington County street lighting. In addition, the developer agrees to furnish and install all conduit and junction boxes necessary for the lighting system. All construction shall meet Virginia Power standards. Lighting shall be in accordance with the following: Jefferson Davis Highway, Carlyle street lights or thoroughfare lights as determined by the Department of Public Works. South Eads Street: Carlyle street lights along the South Eads Street frontage of the site as shown on the final engineering plan as approved by the County Manager or his designee.
20. The CVS Pharmacy agrees to limit the hours of operation of the drive-through to the hours of 7:00 a.m. to 12-midnight seven (7) days a week. CVS agrees to limit the sales of items at the drive-through window to items located behind the pharmacy counter.
21. The applicant agrees to work with the Department of Public Works to develop and implement strategies to discourage cut through traffic between South Eads Street and Jefferson Davis Highway. These may include, if appropriate, signage and speed humps and other measures.