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Via PLUS

Ms. Suzanne L. Wright, Director
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

**Re: Application for Special Exception
Fairfax County Tax Map Reference: 54-4 ((1)) pt. 117 (the "Property")
Applicant: Tyson & Friends LLC**

Dear Ms. Wright:

On behalf of the Applicant, please accept this letter as a statement of justification for a special exception to permit the use of outdoor components associated with an indoor kennel in accordance with subsection 8100.3 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

Background

The Applicant is the contract lessee for the Property, which is developed with an octagonal building addressed as 6001 Centreville Crest Lane and located in the eastern corner of the 18.25-acre Centreville Square II Shopping Center (the "Shopping Center"). The Property is zoned to the C-7 (Regional Retail Commercial) District, and is within the Highway Corridor, Sign Control, and Water Supply Protection Overlay Districts. The Shopping Center is located on the south side of Lee Highway (Route 29), southwest of the Route 29/28 interchange, and within the Sully Magisterial District. The Shopping Center is developed with a retail center, a grocery store, and a vehicle fueling station. The total square footage of the existing improvements is approximately 211,392 square feet ("SF") of gross floor area.

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The Property is improved with a 9,111 SF two-story building, constructed in 1991. The building, along with an approximately 7,600 SF fenced yard, were previously occupied with a child care center use. The lower level of the building, which is not part of the proposed kennel use, will remain as maintenance storage for the Shopping Center.

The Property is subject to rezoning application RZ A-809, which was approved by the Board of Supervisors (the "Board") on July 15, 1964. The Property is not subject to any proffered conditions. On May 23, 2005, the Board approved special exception application SE 2005-SU-008, subject to development conditions, which permitted a child care center use on the Property. On May 13, 2022, Fairfax County issued a determination letter, which approved a request from the Property owner to abandon the approval of SE 2005-SU-008. Per the determination letter, SE 2005-SU-008 is no longer in effect.

Proposed Use

The Applicant purchased a franchise named The Dog Stop. The Dog Stop is an all-inclusive pet care facility for dog owners that provides boarding, daycare, grooming, and training services. A retail store is also proposed in the facility. Per subsection 4102.5.A of the Zoning Ordinance, a kennel is permitted in the C-7 District if located in a completely enclosed building. If any portion of the building or facilities include outdoor components, the use is only allowed with the approval of a special exception.

On December 14, 2022, the Applicant entered into a lease for the Property, and subsequently applied for a building permit to renovate the interior of the building for a kennel. The purpose of this special exception application is to allow the Applicant to create outdoor components for the kennel. The Applicant proposes to convert the existing outdoor playground areas in the rear of the building into an elimination and exercise area for the dogs.

The proposed elimination area will be constructed with artificial turf that is specifically designed for pet use. In order to prevent contaminants from entering the stormwater system, the turf area will have an impermeable liner connected to a drain which is connected into the sanitary sewer. The elimination area will also be covered by a canopy, which will complement the proposed sanitary sewer connection, which is intended to prevent bacteria generated from pet waste from adversely affecting stormwater run-off. The exercise areas delineated on the SE Plat are intended to be used for one-on-one training. The exercise areas will also be constructed with artificial turf; however, the dogs will not be permitted to relieve themselves in these exercise areas. The elimination and exercise areas are proposed to be fully enclosed with an eight-foot-tall vinyl privacy fence.

Comprehensive Plan Provisions

The Property is located within Land Unit D-1 of the Centreville Suburban Center in the Area III Plan, and generally planned for mixed use. Land Unit D-1 contains the following site-specific Plan language:

D-1 (63 Acres) Suburban Center

The orientation of Land Unit D-1 to the proposed development in Land Unit E makes it suitable for intense development. This is where people will live, shop, visit or participate in activities normally associated with a downtown setting. Commercial retail use of approximately 300,000 square feet located near the Sully Road/Centreville Road/Lee Highway intersection and office use of approximately 800,000 square feet which is closely associated with the commercial retail area is planned for the area closest to Lee Highway. Multifamily residential development is planned and developed on Parcels 54-4((1))74 and 75 which are located in the southern portion of the land unit and adjacent to Land Unit D-2 which is planned for multifamily housing. Parcels 65-2((1))1-4 are planned for multifamily residential use at 16-20 dwelling units per acre.

The proposed use, which will be located in an existing retail shopping center, is in harmony with the Plan's recommendations.

Zoning Ordinance Provisions

The Applicant's proposal is in conformance with the standards for kennels set forth in subsection 4102.5.A of the Zoning Ordinance, as follows:

- 1) **The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.**

The Applicant will comply with the requirements of the County and State with regard to the emission of odor and noise. A building permit has been issued by Fairfax County to construct the indoor facility. In addition to meeting the minimum code requirements for the building permit, the Applicant has added additional sound absorbing wall panels and air sanitizers. Therefore, this standard is met.

- 2) **In the C-5, C-6, C-7, C-8, I-3, I-4, I-5, and I-6 Districts, a kennel or animal shelter must be located in a completely enclosed building. If any portion of the building or facilities include outdoor components, the use is allowed only by special exception in accordance with subsection 8100.3.**

The Applicant has received a building permit to construct an indoor kennel. The proposed special exception is for the proposed outdoor components of the kennel use. With the approval of this special exception application, this standard will be met.

- 3) **In the PCC District, a kennel must be located in a completely enclosed building.**

The kennel is located in the C-7 District. Therefore, this standard is not applicable.

- 4) **In the R-A, R-C, R-E, and R-1 Districts, a kennel or animal shelter that contains outdoor facilities for animals must comply with the following standards:**

(a) The minimum lot size is two acres; and

(b) Outdoor facilities for the confinement, care, or breeding of animals must be located a minimum of 100 feet from all lot lines.

The kennel is located in the C-7 District. Therefore, this standard is not applicable.

5) Off-street parking and loading must be located at least 50 feet from any adjoining property in a residential district.

The adjacent property to the south, owned by the Commonwealth of Virginia and referenced as Fairfax County Tax Map Parcel 54-4 ((1)) 69 ("Parcel 69"), is zoned to the R-1 District. The existing off-street parking is located 44.1 feet from Parcel 69, which appears to be residual land from the construction of the Route 28/29 interchange. Given the proximity of Parcel 69 to the highway right-of-way, the existing off-street parking will not adversely impact this property. With the Board's approval of the requested modification, this standard is met.

6) The Board will consider the following in its review of an application for a special exception:

(a) The kinds and numbers of animals proposed to be kept;

The proposed use is for dogs only. The maximum number of dogs at one time at the facility will be 150.

(b) The proposed management techniques;

The Applicant will provide boarding, daycare, training, grooming and retail services for dogs. The facility will have up to 10 employees to manage the business. The outdoor component is primarily for dogs that are there for boarding or daycare services. The outdoor component is comprised of exercise and elimination areas. Each exercise areas will be used by a maximum of three dogs at a time. The elimination area is fenced into two separate areas in order to separate the dogs by size. The elimination areas are designed to have accommodate multiple dogs at one time. In both the elimination and exercise areas, the dogs will be monitored by handlers at all times.

The elimination area is a fenced area that has artificial turf. Under the turf is 3-4 inches of a drainable aggregate. Below the aggregate is an impermeable liner connected to a drain which is connected into the sanitary sewer. This area is also covered by a canopy. When a dog uses the elimination area, the handler will spot clean the area. The stool will be removed and placed in a biodegradable bag, then placed in a closed container for collection by a waste collection company. The area will be sprayed with a disinfectant, then scrubbed clean and rinsed with water. The entire turf area will be cleaned daily. At the end of the day, the entire area will be

soaked with water and then sprayed with FC2, a liquid enzyme to disinfect and deodorize. The following day the turf will be hosed down first thing in the morning. A written log of the daily cleaning procedures will be maintained.

The management and cleaning procedures described above have been developed by the franchise to ensure a hygienic and odor free environment for their clients. The practices are proven to be effective as The Dop Stop franchise has been operating similar facilities since 2009.

(c) The proposed locations that the animals will be kept on the lot.

All animals are kept in designated areas inside the kennel facility. To provide additional safe, clean, and sheltered spaces for pets to train, play, and exercise, there are designated outdoor areas, including an elimination area and multiple exercise areas, around the perimeter of the existing building that are completely fenced in and always supervised when in use. The exercise areas have been situated on the southeast and northeast side of the building so they will be the furthest point away from the retail uses in the Shopping Center. An eight-foot-tall vinyl privacy fence will enclose the outdoor components, which will serve to keep the dogs contained and to also provide an additional acoustical buffer.

Therefore, this standard is met.

- 7) **In approving a special exception, the Board may impose conditions of approval, such as screening or minimum yard requirements, to prevent adverse impact, emission of noise, or emission of odor that would be detrimental to adjacent properties.**

Acknowledged.

- 8) **All animals must be kept within a building or outdoor area surrounded by a fence, wall, or other barrier designed and maintained for secure confinement.**

All animals are kept in designated areas inside the kennel facility. There are designated outdoor areas around the perimeter of the building that are proposed to be completely enclosed by an eight-foot-tall fence to securely confine the animals. Therefore, this standard is met.

- 9) **All animals must be kept within a completely enclosed building between the hours of 10:00 p.m. and 7:00 a.m. This does not include leashed walking of animals.**

Animals will be kept indoors between the above-listed hours with the exception of walking leashed animals; therefore, this standard is met.

The Applicant's proposal complies with the general standards for all special exception uses in accordance with subsection 4102.1.F(2) of the Zoning Ordinance as follows:

- a) **The proposed use at the specified location must be in harmony with the Comprehensive Plan.**

The Applicant's proposal is in harmony with the recommendations of the Comprehensive Plan. The Shopping Center has been developed consistent with the recommendation for commercial retail use in this location. Objective 2 of the Environmental Section of the Policy Plan discusses the prevention and reduction of pollution of surface and groundwater resources, where development should protect and restore the ecological integrity of streams in Fairfax County. The Applicant proposes to connect the drains located in the outdoor elimination area to the County sanitary sewer system to mitigate any potential adverse impacts to local waterways as a result of the outdoor operations.

In addition, Objective 4 of the Environmental Section of the Policy Plan recommends that human exposure to unhealthful levels of transportation generated noise be minimized. While the Property abuts the right-of-way of Routes 28 and 29, the outdoor areas are buffered from the interstate by existing vegetation and noise will be further mitigated by the proposed eight-foot-tall fence. To ensure adequate noise levels, the Applicant conducted a noise assessment, which concluded that the existing conditions meet the objectives of the Comprehensive Plan. Therefore, the Applicant's proposal is in harmony with the Plan's recommendations.

- b) **The proposed use must be in harmony with the general purpose and intent of the zoning district where it is to be located.**

The Property is zoned to the C-7 (Regional Retail Commercial) District, where the general purpose and intent is to provide for a full range of retail, commercial, and service uses oriented to serve a regional market area. The proposed use is a service-oriented use to serve the regional surrounding communities. It adds to the objective of having a full range of uses as there is no other dog-oriented business that provides boarding, daycare and training services within the immediate area.

- c) **The proposed use, including its design and operational characteristics, must not adversely affect the use or future development of neighboring properties and must be in accordance with the applicable zoning district regulations.**

The kennel use, inclusive of the outdoor components, does not adversely affect the current use or future development of neighboring properties, and is in accordance with the C-7 District regulations. Located outside of any noise-sensitive areas, the kennel facility is surrounded by the Route 28/29 interchange to the east, vacant land to the south, and existing commercial retail uses to the north and west. As such, the location, size, and height of the building and all associated outdoor structures, including fences and canopies, do not hinder or discourage the development and use, or impair the value of, adjacent or nearby land or buildings.

- d) **Pedestrian and vehicular traffic associated with the use must not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.**

There is no proposed change to current pedestrian and vehicular traffic. There is no conflict with the existing traffic in the neighborhood. To the Applicant's knowledge, there is nothing associated with the kennel use that is hazardous.

- e) **Adequate utility, drainage, and other necessary facilities to serve the proposed use must be provided.**

The Shopping Center provides adequate utility, drainage, and other necessary facilities to serve the kennel use and its outdoor components per the approved site plan and minor site plan amendments approved for the Property. The proposed use will not change any of the existing utilities. The existing water and sewer service are adequate for the use as the amount of required plumbing will be reduced. Seven restrooms will be removed as part of the interior renovation. The sanitary sewer connection proposed for the elimination area in conjunction with a canopy will ensure that the runoff to the County sanitary sewer system and the stormwater management system remains separate.

- f) **Signs are regulated by Article 7; however, the Board or BZA may impose stricter requirements for a given use than those set forth in this Ordinance.**

All existing signs on the Shopping Center have been installed in accordance with the regulations of the Zoning Ordinance. Any future signs will be in compliance with Article 7 of the Zoning Ordinance.

In accordance with subsection 8101.3.C(2) of the Zoning Ordinance, please accept the following information regarding the proposed special exception application:

- a) **Type of Operation:** The proposal is for outdoor components for a kennel facility. The Applicant will provide boarding, daycare, grooming, and training activities associated with pet care for dogs. The Applicant will also hold special events typically found in association with this use, such as an open house for prospective clients and graduation celebration for a dog training class.
- b) **Hours of Operation:** The hours of operation for the general public are as follows:
- Monday – Sunday 6:00 a.m. – 9:00 p.m.
- c) **Estimated number of Patrons/Clients:** The maximum number of dogs per day is 150.
- d) **Proposed Number of Employees:** The total number of employees present on the Property at any given time is 10 persons. Employees will include a manager, receptionist, groomer/s, trainer and multiple handlers.
- e) **Estimate of traffic impact of the proposed use, including the maximum expected trip generation and distribution of such trip by mode and time of day:** The outdoor components, which include the proposed 8-foot-tall perimeter fencing and canopy will not have any effect on traffic conditions. Given that employees work in shifts and

arrivals/departures are staggered, traffic associated with the use does not adversely affect the surrounding road network. Roughly 40 percent of the business will be for daycare, with the remaining 60 percent for boarding, training, grooming and retail purposes. The arrivals at the Property for the daycare component occur between 7:00 a.m. and 11:00 a.m. with departures occurring between 3:00 p.m. and 6:00 p.m. Patrons that come to the facility for the remaining 60 percent of the business will arrive at various times throughout the day. Patrons typically remain on site for an average of 15 minutes per visit primarily to pick up and drop off their pet. Overall, the Shopping Center has the ability to adequately accommodate the traffic associated with the proposed use.

- f) **Vicinity or general area to be served by the use:** The kennel is expected to serve the immediate community of Centreville and the surrounding communities within a radius of approximately 20 miles. It is expected that the clients requiring daycare will either live or work close to the facility. Clients utilizing the other services may travel a little further.
- g) **Description of building facade and architecture of proposed new building or additions:** Exterior changes to the building include the replacement of the existing six-foot-tall wood fence with an eight-foot-tall vinyl privacy fence, and the construction of a roof canopy over the elimination area. The canopy will be designed to match the existing building.
- h) **A listing, if known, of all hazardous or toxic substances:** The Applicant is unaware of any hazardous or toxic substances located on the Property.
- i) **A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions:** The proposed development conforms to the provisions of all applicable ordinances, regulations, adopted standards, and any applicable conditions, except for the following request as noted on the submitted SE Plat:
 - A modification of the subsection 4102.5.A(5), which requires a 50-foot setback for off-street parking and loading from adjoining property in a residential district. The adjacent property to the south, owned by the Commonwealth of Virginia and referenced as Fairfax County Tax Map Parcel 54-4 ((1)) 69 (“Parcel 69”), is zoned to the R-1 District. The existing off-street parking is located 44.1 feet from Parcel 69, which appears to be residual land from the construction of the Route 28/29 interchange. Given the proximity of Parcel 69 to the highway right-of-way, the existing off-street parking will not adversely impact this property.

Highway Corridor Overlay District

The Highway Corridor Overlay District imposes additional standards for drive-through financial institution, restaurant with drive-through, convenience store, and vehicle fueling station uses. As this application is to permit the use of outdoor components associated with an indoor kennel use, the provisions of the Highway Corridor Overlay District do not apply.

Sign Control Overlay District

The use proposed in this application is not permitted a free-standing sign under the provisions of the Zoning Ordinance. All proposed building mounted signage will be in conformance with the provisions of Article 7 of the Zoning Ordinance.

Water Supply Protection Overlay District

Water Supply Protection Districts are intended to protect public water supplies and prevent water quality degradation. This application proposes less than 2,500 square feet of land disturbance. All stormwater detention is provided by the Centreville Square Phase II underground storage facilities constructed as part of the approved site plan for the Shopping Center. The water quality best management practice (“BMP”) requirements are met in the Trinity Center wet pond facility, which is located directly across Route 29 from the Shopping Center. As there is a minimal increase in impervious area for this proposal, the objectives of the Water Supply Protection Overlay District have been met.

Conclusion

The Applicant’s proposes a pet daycare and boarding facility with outdoor components that provides a valuable and desired service to Fairfax County pet owners. The outdoor spaces of the kennel are consistent with the commercial character of the surrounding area, and conform to the recommendations of the Plan.

Should you have any questions regarding this application or require any additional information, please do not hesitate to contact me.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



Lynne J. Strobel

- cc: Bhavesh Mehta
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