

PROPOSED DEVELOPMENT CONDITIONS

SE 2004-MA-030

February 28, 2005

If it is the intent of the Board of Supervisors to approve SE 2004-MA-030, currently located at 2930 Patrick Henry Drive, Tax Map 51-3 ((18)) 4 part, for a drive in bank and waivers and modifications of the lot size and lot area in a Commercial Revitalization District, pursuant to Sect. 4-704 and 9-622 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval 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 (Drive In Bank), as qualified by these development conditions.
3. 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 "Commerce Bank Special Exception Plat" prepared by Bohler Engineering, PC., and dated August 2, 2004 as revised through February 15, 2005, 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.
4. Architectural elevations shall be in substantial conformance with those shown on the SE Plat.
5. Prior to approval of a building permit, it shall be demonstrated to DPWES that the brick color used for the bank matches that used in the surrounding shopping center [Willston Center; Tax Map Parcel 51-3 ((18)) 4].
6. All modifications shown on the SE Plat, including parking lot modifications and streetscape improvements both within the SE area and outside of the SE area, shall be completed prior to the issuance of a Non-Residential Use Permit.
7. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
8. The streetscape design and materials on Arlington Boulevard and Patrick Henry Drive shall meet the standards and specifications of the streetscape as outlined in the Comprehensive Plan for the Seven Corners CBC, as determined by the Urban Forest Management Branch, including acorn lights if required. No streetscape materials shall obscure sight lines from the site entrances at Patrick Henry Drive or the service drive.

9. A maximum of three drive through window lanes shall be allowed. The fourth lane (the outermost lane) shown on the SE Plat shall be removed and replaced with an open space island, landscaped in a manner which provides a visual break in the frontage of the shopping center, as deemed appropriate by the Urban Forestry Management Branch.
10. At the time of site plan approval, or on demand (whichever occurs first) right-of-way as shown on the SE Plat shall be dedicated to the Board of Supervisors in fee simple along the service drive of Arlington Boulevard as shown on the SE Plat. Additionally, right-of-way along that frontage which is not included as part of the SE Area because it includes the existing sign shall be dedicated at the same time, unless it is demonstrated that the applicant cannot gain permission to dedicated this additional area.
11. At the time of site plan approval, a contribution shall be made equal to 25% of the cost (as determined by DPWES) of the installation of a traffic signal at the entrance to the shopping center on Patrick Henry Drive.
12. Prior to site plan approval, a parking tabulation for the entire Willston Center shall be submitted for the review and approval of DPWES, to demonstrate that adequate parking has been provided for the entire center, including the proposed bank use. If it cannot be demonstrated that adequate parking is available, the bank shall be reduced in size until the provisions of Article 11 are met.
13. No Group 8 Special Permits (Temporary Uses) or 21-Day Non-RUPs shall be issued for this location, with the exception of contractors' offices and sheds that are accessory to an on-site active construction project.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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, at a minimum, 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.