FAIRFAX COUNTY

VIRGINIA

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August 10, 2005

Frederick R. Taylor, Esquire
Bean, Kinney & Korman, P.C.
2000 N. 14th Street, Suite 100
Arlington, Virginia 22201

Re: Special Exception Application Number SE 2005-MV-012
(Concurrent with PCA 2005-MV-018)

Dear Mr. Taylor:

At a regular meeting of the Board of Supervisors held on August 1, 2005, the Board approved Special Exception Application Number SE 2005-MV-012 in the name of Commerce Bank, N.A., to permit a drive in bank in a Highway Corridor Overlay District and modification of the streetscape requirement in a Commercial Revitalization District (CRD), located at 6615 Richmond Highway (Tax Map 93-1 ((1)) 25 pt.) pursuant to Sections 4-704 and 9-622 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for, 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 Generalized Development Plan / Special Exception Plat approved with the application, as qualified by these development conditions.

3. A copy of this Special Exception and 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 the hours of operation of the permitted use.

4. 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 Generalized Development Plan/Special Exception Plat entitled "Commerce Bank Beacon Hill"

prepared by Bohler Engineering, PC., and dated November 24, 2004 as revised through July 8, 2005, 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. Architectural elevations shall be in substantial conformance with those shown on the Generalized Development Plan/Special Exception (GDP/SE) Plat.

6. 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.

7. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on site.

8. There shall be no outdoor storage or display of goods offered for sale on-site.

9. At the time of site plan approval, the applicant shall provide for a public access easement to be recorded over the interparcel access to the north (Tax Map 93-1 ((1)) 26) and to the south (Tax Map 93-1 ((1)) 24), as shown on the GDP/SE Plat.

10. All signage shall meet the requirements of Article 12 of the Zoning Ordinance. Pole mounted signs shall not be permitted on site.

11. A stormwater/best management practices facility in accordance with the Public Facilities Manual (PFM) shall be provided as determined by DPWES, unless waived by DPWES.

12. A landscape plan shall be submitted concurrent with site plan review and shall provide for the number and sizes of trees and plantings consistent with that shown on the GDP/SE Plat and shall be subject to review and approval of Urban Forest Management, DPWES.

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.

The Board also:

- **Waived the service drive requirement along Richmond Highway for Special Exception SE 2005-MV-012.**

- **Modified the transitional screening and waived the barrier requirement between the R-4 and C-8 portions of the Proffered Condition Amendment Application PCA 2005-MV-018.**

If you have questions regarding the expiration of this Special Exception or filing a request for additional time, they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,

Patti M. Hicks
Deputy Clerk to the Board of Supervisors

PMH/ns

cc: Chairman Gerald E. Connolly
Supervisor Gerald W. Hyland, Mount Vernon District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Admin.
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Leslie B. Johnson, Deputy Zoning Administrator/Zoning Permit Review
Thomas Conry, Dept. Mgr. – GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.
Charles Strunk, Project Planning Section, Dept. of Transportation
Audrey Clark, Director – Building Plan Review DPWES
Michelle A. Brickner, Director, Deputy Director, DPWES
Plans & Document Control, OSDS, DPWES
Deloris Harris, DPWES
Department of Highways - VDOT
Kirk Holley, Park Planning Branch Mgr., FCPA
Gordon Goodlet, Development Officer, DHCD/Design Development Div.
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jack Seamon, Acting, Director, Facilities Mgmt. Div., DPWES
Gary Chevalier, Office of Capital Facilities/Ffx. Cnty. Public Schools

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Department of Planning & Zoning
AUG 29 2005
Zoning Evaluation Division