



APPLICATION FILED: March 16, 2006
APPLICATION AMENDED: June 22, 2006 & December 21, 2006
PLANNING COMMISSION: March 14, 2007
BOARD OF SUPERVISORS: March 26, 2007
@3:30 p.m.

County of Fairfax, Virginia

March 1, 2007

STAFF REPORT

APPLICATION RZ 2006-PR-013 and SE 2006-PR-005

PROVIDENCE DISTRICT

APPLICANT: Washington Property Company, LLC

PRESENT ZONING: C-3, C-6, C-8, HC

REQUESTED ZONING: C-6, HC

PARCEL: 48-4 ((1)) 12

ACREAGE: 13.52 Acres (RZ Area)
3.68 Acres (SE Area)

FAR: 0.04 (RZ Area)
0.15 (SE Area)

OPEN SPACE: 81% (RZ Area)
30% (SE Area)

PLAN MAP: Retail/Other and Public Park

SE CATEGORY: Category 5: Drive-in Bank
Category 5: Drive through pharmacy

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Department of Planning and Zoning

Zoning Evaluation Division
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Fairfax, Virginia 22035-5509
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RZ PROPOSAL:

The applicant seeks to rezone 13.52 acres from C-3, C-6, C-8 and HC to C-6 and HC to permit a drive-in bank, a drive-through pharmacy, an eating establishment, and retail uses.

SE PROPOSAL:

The applicant seeks approval of a special exception to permit a drive-in bank and a drive through pharmacy on 3.68 acre portion of the subject property.

WAIVERS/MODIFICATIONS:

Waiver of the service drive requirement along Route 29/Lee Highway

Waiver of the transitional screening and barrier requirements along the western property line in favor of the existing vegetation

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2006-PR-013, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of SE 2006-PR-005, subject to the proposed development conditions contained in Appendix 2 of the staff report.

Staff recommends approval of the waiver of the service drive requirement along the Lee Highway and Arlington Boulevard frontages of the site.

Staff recommends approval of the waiver of the transitional screening and barrier requirements along the perimeters adjacent to residential use in favor of the existing vegetation.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF THE APPLICATIONS

The applicant, Washington Property Company, LLC, seeks to rezone 13.52 acres from C-3 (Office District), C-6 (Community Retail Commercial District), C-8 (Highway Commercial District) and HC (Highway Corridor Overlay District) to C-6 and HC in order to develop the site with a drive-in bank, a drive-through pharmacy, an eating establishment, and retail uses. Under the applicant's proposal, a 3.68 acre portion of the subject property will be developed with four free-standing buildings: a 3,800 square foot drive-in bank, a 14,600 square foot drive through pharmacy, a 3,000 square foot building, identified as Building B, designated for either retail or an eating establishment, and another 2,400 square foot building, Building A, designated for either retail or an eating establishment. The Special Exception request is to accommodate the drive-in bank and drive through pharmacy proposed as a part of these applications. In addition, the applicant is proposing in the proffers that only one of the two smaller buildings on the site will be designated for use as an eating establishment.

In addition, the applicant is proposing the following waivers as a part of these applications:

- Waiver of the service drive requirement along Route 29/Lee Highway
- Waiver of the transitional screening and barrier requirements along the western property line in favor of the existing vegetation in the area

A reduction of the proposed combined General Development Plan (GDP/Special Exception Plat (SE Plat) is located at the front of this staff report.

LOCATION AND CHARACTER

Site Description

The subject property is a noncontiguous parcel located primarily along the west side of Nutley Street (Route 243) between Lee Highway (Route 29) and Arlington Boulevard (Route 50), with a small portion located on the east side of Nutley Street towards Arlington Boulevard. The entire parcel totals 13.52 acres, although development will be limited to a 3.68 acre portion of the site, the SE area, located in the northeast corner of the parcel at the intersection of Nutley Street and Route 29/Lee Highway, approximately one-half mile from the Vienna Metro Station. As indicated in the proposed proffers, the remaining 9.84 acres of the site will be designated as undisturbed open space. Currently, the site is undeveloped and heavily wooded, with a large portion of the subject

property located in a Resource Protection Area (RPA) defined primarily by the extent of the 100-year floodplain of Hunters Branch. Only that portion of the parcel which comprises the 3.68 acre SE area has any potential for development. Commercially zoned and developed properties abut the site to the immediate north and east. To the north is property zoned Planned Development Commercial (PDC), which was developed with both residential and non-residential uses and is known as Hunters Branch. To the immediate east, across Nutley Street, is the Pan Am Shopping Center which is zoned C-6. To the immediate west of the subject property is a large tract of vacant property, which is currently zoned R-12. To the south are residentially zoned and developed properties, which include the Stonehurst townhouse development to the southwest and Providence Apartments to the immediate south and southeast.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan Map
North	Mixed Use: Commercial and Residential	PDC	Mixed Use
South	Residential Uses	R-12 & R-20	Residential, 8-12 du/ac; 16-20 du/ac
East	Commercial and Retail	C-6	Retail and other
West	Vacant	R-12	Public Parks; Residential, 8-12 du/ac

BACKGROUND

As previously described, the subject parcel is undeveloped and heavily wooded, with a large portion of the subject property located in an RPA defined primarily by the extent of the 100-year floodplain of the Hunters Branch. The parcel was rezoned pursuant to RZ A-641, by the Fairfax County Board of Supervisors on December 18, 1963. This approval rezoned 54.44 acres of land from RE-1 to C-D, C-DM, C-0 and RM-2, which was converted in 1978 to the C-3, C-6, C-8 and R-20 Districts. This area included the entire 13.52 acre subject parcel, as well as the land that is now developed as the Pan Am Shopping Center and Providence Apartments. There have been no previous variances, special permit, special exception or rezoning requests on the subject property.

COMPREHENSIVE PLAN PROVISIONS *(Appendix 5)*

Plan Area:	Area II
Planning District:	Vienna
Planning Sector:	Lee Community Planning Sector – V1
Plan Map:	Retail and other; Public Park (in the stream valley area)

Plan Text:

While there is no site specific text for this area, the 2003 Edition of the Fairfax County Comprehensive Plan, Area II, Vienna Planning District, as amended through July 10, 2006, states the following beginning on page 38:

Infill development in this planning sector should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

ANALYSIS**Generalized Development Plan/Special Exception Plat**

(Reduction at front of staff report)

Title of GDP/SE Plat: Lee Highway and Nutley Street

Prepared By: Walter L. Phillips, Incorporated

Original and Revision Dates: March 8, 2006, as revised through February 8, 2007

Description of the Combined GDP/SE Plat GDP/SE Plat Lee Highway and Nutley Street	
Sheet #	Description of Sheet
1 of 7	Cover Sheet: Notes, Sheet Index, Vicinity Map, List of Requested Waivers, Zoning and Parking Tabulations, Area Tabulation, and Bulk Plane Details
2 of 7	Overall Site Map: Existing Property Boundaries, Existing Zoning Boundaries, Proposed Zoning Boundaries, and Limits of Special Exception
3 of 7	Proposed Site Layout: Building Footprints, Drive-through Locations, Plaza Location, Parking, Retaining Walls, Street & Frontage Improvements, RPA Limits, and Limits of Proposed Floodplain & Drainage Easement
4 of 7	Existing Vegetation Map with Detail and Topography
5 of 7	Conceptual Landscape Plan: Proposed Landscaping, Tree Cover Calculations, Interior Parking Lot Landscaping Calculations, Retaining Wall Detail (Nutley Street), and Plaza Detail
6 of 7	Stormwater Management (SWM) and Best Management Practices (BMP) Computations: SWM Check List, SWM & BMP Narrative, BMP Facility Design Calculations, and Overall Site Drainage Summary
7 of 7	Preliminary Outfall Analysis with Overall Drainage Map and Outfall Narrative
7A of 7	Nutley Street Sight Distance Profile with Detail

As previously identified, the entire 13.52 acre subject property is undeveloped and heavily wooded, with a large portion of the subject property located in an RPA defined primarily by the extent of the 100-year floodplain of the Hunters Branch. Only that portion of the parcel which comprises the 3.68 acre SE area has any potential for development; as a result, the applicant is proffering that the remaining 9.84 acres of the site will be designated as undisturbed open space.

Under the applicant's proposal, there will be a total of four free-standing structures, with the bank located in the northernmost section of the area to be developed and the two proposed sites for an eating establishment and retail uses located in the southernmost portion of the SE area. In between will be a fourth building that will contain the drive-through pharmacy. The drive-through lanes for the bank and pharmacy will be located on the southern building facades. The bank is being proposed with three (3) drive-through lanes and an additional by-pass lane. The pharmacy is proposed with a single drive-through lane. The required parking spaces for all of the proposed uses will be provided on-site through the use of surface parking.

The following features are depicted on the combined GDP/SE Plat:

Proposed Buildings: As noted above, the applicant is proposing four separate, free-standing buildings on the site with an FAR of 0.15 on the SE portion of the site. The drive-in bank building will be single story, with a proposed height of 20 feet and approximately 3,800 square feet in size. The building is oriented with frontages along Nutley Street and Lee Highway; three (3) drive-through lanes and a separate by-pass lane are proposed. The drive-through service is provided along the southern façade of the building; vehicles will enter the drive-through lanes from the rear of the building and move west to east as they exit.

Adjacent to the bank facility will be the drive through pharmacy, the largest of the proposed buildings in the development. The GDP/SE Plat indicates that the overall square footage for this building is approximately 14,600 square feet. The building will be oriented with frontage along Nutley Street and is proposed to be single-story construction at an overall height of 35 feet. The single-drive through lane will be located on the southern façade; vehicles will enter the drive through at the rear of the building, and move west to east as they exit. A dumpster area and loading spaces are provided at the rear of the pharmacy.

The remaining two buildings proposed for the site are located in the southern portion of the SE area. The GDP/SE Plat shows two free-standing structures, Buildings A and B, both of which are being proposed for use as either retail or as an eating establishment. Since only one of these buildings will be used as an eating establishment, the remaining building will be used for retail uses. These single-story buildings will also be oriented towards Nutley Street, with overall heights of 20 feet. A plaza is proposed to link the two buildings, and will feature outdoor seating and decorative landscaping. Dumpster pads are being proposed adjacent to both buildings, for use by their respective tenants.

Due to the existing topography and the proposed development, retaining walls will be required along the eastern and western limits of the site. A maximum 6-foot high retaining wall is being proposed along the site's Nutley Street frontage in order to accommodate the drop in elevation from Nutley Street west into the site. In addition, a retaining wall with a maximum height of 12-feet is being proposed along the southern western boundary of the SE area, adjacent to the RPA and floodplain.

Furthermore, a monument sign is being proposed for the site in the northeast corner of the site with an overall height of approximately 6-feet.

Site Access: As proposed, there is one entrance into the site provided via Nutley Street, and a right-out only point of exit further down Nutley Street from the main entrance. The GDP/SE Plat shows improvements to Nutley Street along the subject site's frontage. The proposed entrance has been configured to line up with the existing entrance to the Pan Am Shopping Center located on across Nutley Street. Traffic exiting the site will have the option of utilizing the signalized main entrance or the right-out only exit to access points south.

The transportation improvements shown on the GDP/SE Plat include the signalization, if warranted, of the new intersection created between the proposed development and Pan Am Shopping Center; the dedication of additional right-of-way and construction of improvements along the Nutley Street and Lee Highway frontages of the SE area; and construction of an asphalt trail along Lee Highway.

Internal Access: Once entering the site from the Nutley Street entrance, traffic utilizing the drive through pharmacy will move west to enter the drive-through lane at the southwest corner of the building and will exit at the southeast corner. Customers of the drive-in bank services will have the option of following the same route around the rear of the pharmacy to access the bank drive through lanes at the southwest corner of the building, or could travel north through the parking lot along Nutley Street and enter the drive through via a parking lot located between the bank and pharmacy.

Parking: Surface parking is being proposed to accommodate the required parking for the development. The uses and the square footages associated with each building will require approximately 118 parking spaces, and the GDP/SE Plat shows a total of 121 parking spaces being provided on the site. The majority of these spaces are located along the site frontage on Nutley Street, and along the front entrances of each building. Additional parking is being provided to the north and south of the pharmacy, in three separate parking areas. There is also a loading space area depicted on the Plat at the rear of the pharmacy building.

Sidewalks and Pedestrian Access: A 5-foot wide concrete sidewalk is proposed along the site's Nutley Street frontage, from the intersection at Lee Highway to the south side of the main entrance into the site. Pedestrian access has been provided

in the northeast corner of the site with a proposed sidewalk connection allowing access to the site in this area. The GDP/SE Plat also depicts a series of painted crosswalks providing safe pedestrian movements throughout the site within the parking lot, and another that crosses Nutley Street connecting to the Pan Am Shopping Center. No pedestrian connection is proposed to the abutting property to the south on Nutley Street, but an asphalt trail is being proposed along the site's Lee Highway frontage.

Landscaping and Streetscape: Deciduous trees and groundcover are proposed on-site along the subject site's Lee Highway and Nutley Street frontages. There are additional deciduous, ornamental and evergreen trees proposed in the northwest corner of the SE area behind the proposed bank, and around the plaza area in the southern portion of the site. In addition, the required interior parking lot landscaping has been proposed throughout the site.

Streetscape will be provided along the site's Nutley Street frontage from the intersection at Lee Highway, to the main entrance into the site. This includes an eleven (11) foot wide area within the Virginia Department of Transportation (VDOT) right-of-way, consisting of the following:

- A five (5) foot wide landscaping strip adjacent to Nutley Street;
- a five (5) foot wide concrete sidewalk; and,
- a one (1) foot wide grass strip in between the sidewalk and the property line.

Although the GDP/SE Plat proposes these improvements, there is no specific landscaping proposed for the 5-foot wide landscape strip adjacent to Nutley Street.

Stormwater Management: The applicant proposes an underground stormwater management/best management practices facility in the western boundary of the SE area. The outfall from the site will discharge directly into a natural channel of the Hunters Branch floodplain, flowing south along the western boundary of the subject property.

Land Use Analysis (*Appendix 6*)

Issue: Auto-Oriented Uses

While there are no site specific recommendations for the subject property in the Comprehensive Plan, the Plan does provide guidelines on drive through facilities and the clustering of auto-oriented commercial uses, which are applicable to this application given the proposal of two auto-oriented uses, a drive-in bank and a drive through pharmacy. Given the potential to cause serious on-site and off-site traffic circulation problems, these guidelines state that drive through windows for commercial establishments should only be approved if the size and configuration

of the lot are adequate to achieve a safe drive through facility, parking circulation and pedestrian system. To achieve these goals, the guidelines recommend the clustering of auto-oriented commercial uses in order to provide a higher quality design, increased landscaping and buffering, increased vehicular safety and increased energy efficiency.

Resolution:

The proposed drive-in bank and drive through pharmacy is mitigated by the following. First, both drive-through facilities have been located in close proximity to each other and have been designed to accommodate traffic moving west to east on the site. This requires that each drive-through be accessed at the rear of the bank and pharmacy, thus directing a portion of the drive-through traffic to the rear of the site. Second, each of the proposed drive through lanes will be located on the southern façade of each of the buildings in an area of reduced visual impact. In addition, the applicant is proposing landscaping in the parking areas adjacent to each drive through, thus providing a level of screening.

Issue: Site Design & Proposed Uses

While staff does not object to the auto-oriented uses on the site, the proposed layout raised several concerns. First, there was some concern regarding points of access to the proposed uses. All traffic associated with the drive through pharmacy will be traveling through either one of two parking areas located to the south, between the pharmacy and proposed Building B. This increases the chance of vehicular conflict due to the mixing of drive through traffic and vehicles attempting to exit the parking spaces in this area. A similar concern is raised with the proposed bank. Traffic associated with this use can either follow the same route as the pharmacy traffic, or travel north along the front of the site and through the parking lot to the north of the pharmacy to access the bank drive through lanes.

Another issue of concern related to the location of Buildings A & B in the southern portion of the SE area. While the two auto-oriented uses may easily be supported at this location, staff believed that the additional proposed uses would increase the intensity of the proposed development in close proximity to an environmentally sensitive area. In addition, some of the permitted uses within the C-6 District, such as a fast food restaurant or a financial institution have the potential to increase vehicle trips on the site, which is already proposed to be developed with two auto-oriented uses. Furthermore, while the two buildings are limited in size and square footage, it was conceivable that each building could accommodate several smaller uses. Staff was concerned with the potential location of multiple tenants in each building, thus creating a strip-commercial type development in the future. Although any future uses would be constrained by parking availability on site, a strip-commercial development with many multiple tenants does not meet the intent of the Comprehensive Plan for this area.

Staff believes that the parking areas around the pharmacy could be improved in order to reduce potential conflict between drive-through traffic and customers attempting to exit the site. Specifically, the small amount of parking located along the northern façade of proposed Building B could be eliminated or relocated to another portion of the site, thus reducing potential conflict within the site's internal circulation. At this time, the applicant is not proposing any changes to the parking layout of the site.

To address the uses concerns, staff recommended that the types of uses and number of tenants be limited for Buildings A & B. As a result, the applicant has proposed to limit both the types of uses and the number of tenants allowed in Buildings A & B. As previously discussed in the staff report, the GDP and the proffers indicate that only one of the two buildings will be designated for use as an eating establishment, which by definition is different from a fast food restaurant. The remaining building will be limited to the following uses that are permitted by-right in the C-6 District: business service and supply service establishment, garment cleaning establishment (no on-site processing), offices, personal service establishment, and retail uses. In addition, the applicant has proffered that a maximum total of four (4) permitted uses can occupy Buildings A & B, and that the hours of operation will be limited to 6:00 AM to midnight.

Environmental Analysis (*Appendices 6 & 7*)

Issue: Resource Protection Area (*Appendix 6*)

As previously noted, a large portion of the subject property was identified as a Resource Protection Area (RPA) on the County's Chesapeake Bay Preservation Area Maps. As a part of this application, the applicant prepared a boundary delineation study that redefined the limits of the RPA on the subject property. This study, which was reviewed and approved by the Department of Public Works and Environmental Services (DPWES), has redelineated the RPA boundaries to a smaller area on the subject property. However, the stormwater management plan shows that two stormwater outfalls are located within the new RPA area. In this case, a special exception may be required for fill in the floodplain for construction of the stormwater outfalls.

Resolution:

The applicant has not addressed this issue at this time and the GDP still shows the two stormwater outfalls located within the new RPA area. Therefore, staff recommends that these outfalls be eliminated in favor of an open channel. Alternatively, approval of a special exception will be required if it is determined that fill in these areas is required. A final determination in this issue will be made by DPWES at the time of site plan review based upon final engineering.

Issue: Water Quality (*Appendix 6*)

The subject property is located within the Accotink Creek watershed with a portion of the Hunters Branch flowing through the property's western boundary. The applicants have indicated that runoff from the proposed development will be detained in an underground detention vault location on the western side of the property with BMP requirements to be satisfied through the use of underground storm filters and the use of other LID measures in this area.

Resolution:

Proposed measures to meet water quality and quantity control measures on site appear to be adequate at this stage. Any final determination regarding stormwater management and BMPs for the proposed development will be made by the Department of Public Works and Environmental Services (DPWES), as discussed below.

Issue: Stormwater Management Analysis (*Appendix 7*)

The applicant proposes an underground stormwater management/best management practices facility in the western boundary of the SE area. The outfall from the site will discharge directly into a natural channel of the Hunters Branch floodplain, flowing south along the western boundary of the subject property.

The Department of Public Works and Environmental Services (DPWES) raised two issues regarding the proposal. First, as previously identified, the plan shows encroachment into the RPA to construct two stormwater outfalls. As a result, a special exception may be needed for fill in the floodplain for this purpose. However, staff continues to recommend that these outfalls be eliminated in favor of an open channel. Second, stormwater detention will be accomplished through the use of an underground detention vault, which will be combined with the proposed BMP facilities, located behind the drive through pharmacy. It has been noted that detention storage below the floodplain level will not be accepted to meet detention requirements.

Resolution:

A final determination regarding the adequacy of the proposed SWM and BMP facilities will be made at the time of subdivision plan review. In the event that a waiver of the PFM is not granted and requires the provision of SWM/BMP facilities in a manner that is not in substantial conformance with the GDP/SE Plat, then a Proffered Condition Amendment (PCA) may be required.

Issue: Tree Preservation (*Appendix 8*)

Several issues were raised by the Urban Forest Management Section of DPWES. These included the following:

- A landscape plan is not included for the replanting of the areas of encroachment into the RPA, pursuant to the Fairfax County Public Facilities Manual (PFM).

The applicant has added a note to the GDP indicating that any areas disturbed within RPA will be planted as appropriate. However, staff recommends that this commitment be added to the proposed proffers.

- Transitional screening and barrier requirements, consisting of Type 2 Screening and Barrier D, E or F, have not been provided along the western property boundary adjacent to residentially zoned property.

The applicant has requested a waiver of the transitional screening and barrier requirements along the western property line in favor of the existing vegetation that will be preserved within the RPA area. This will be discussed in more detail later in the report.

- Several proposed landscape trees throughout the site appear to be planted closer than 4 feet from a restrictive barrier, such as curb and/or pavement. The minimum width of any planting area should be 8 feet.
- Several of the tree species proposed for planting within the proposed plaza area between Buildings A & B do not have sufficient planting area in accordance with the PFM.

At this time, the applicant has not yet addressed these specific issues.

Resolution:

By proposing proffer language designating the remaining 9.84 acres of the subject property as undisturbed open space, the applicant has demonstrated a positive commitment to tree preservation activities on the site. However, staff believes that the overall plan can be improved with commitments to address those outstanding issues identified above. With respect to the concern regarding inadequate planting areas, staff has recommended a development condition requiring the use of structural soils for those areas that do not meet the minimum planting area required by the PFM. In addition, a development condition has also been added to strengthen the commitment for replanting those areas within the RPA that will be disturbed as result of development on the subject property.

Transportation Analysis (*Appendix 9*)

Several issues were raised by the Fairfax County Department of Transportation (DOT). These issues and their resolutions are identified and discussed below:

- The applicant should provide additional dedication at the immediate intersection of Route 29/Lee Highway and Nutley Street to accommodate various elements such as the curb return and traffic control equipment.

A development condition has been included to ensure the applicant provides sufficient dedication to accommodate future transportation related infrastructure at the intersection of Route 29 and Nutley Street.

- The application previously requested a waiver of construction of the Route 29/Lee Highway frontage improvements

The applicant no longer requests a waiver of construction of the improvements along the subject property's Lee Highway frontage. According to the GDP/SE Plat and the proposed proffers, all necessary right-of-way will be dedicated at the time of site plan submission and, prior to the issuance of the first Non-Residential Use Permit (Non-RUP) for the property, improvements will be made along Lee Highway pursuant to the VDOT design plans. In addition, the applicant is also proposing to install an asphalt trail along this frontage.

- The site distance delineated on the GDP/SE Plat does not include a plan view.

This has been corrected and the information has been provided on Sheet 7A of the GDP/SE Plat. In addition, adequate site distance has been provided at the main entrance of the proposed development.

- The GDP/SE Plat indicates a proposed traffic signal on Nutley Street at the site's main entrance. A signal warrant study should be conducted and, if warranted and subsequently approved by VDOT, the applicant should commit to installation of the signal.

The applicant has included proffer language committing to the warrant study as requested. Furthermore, the applicant has also proffered to install the traffic signal at the main entrance on Nutley Street should VDOT determine that it is warranted.

- A retaining wall is shown on the site's Nutley Street frontage. Retaining walls are not permitted to support the public roadway.

The Virginia Department of Transportation (VDOT) has indicated that the proposed retaining wall along the site's Nutley Street frontage cannot be utilized to support the public roadway. While the retaining wall is not located within the public right-of-way, its close proximity to this area may require its relocation so the integrity of the adjacent infrastructure will not be adversely impacted. In the event that such a

determination is made by VDOT at the time of site plan review, thus requiring a redesign of the site in this area in a manner that is not in substantial conformance with the GDP/SE Plat, then a Proffered Condition Amendment (PCA) may be required. The applicant has acknowledged this in the proposed proffers.

- The width of the proposed median on Nutley Street does not meet current design standards. At only two (2) feet, this median cannot accommodate the placement of traffic signs, does not provide an area of refuge for pedestrians, and is difficult for motorists to see.

To address staff concerns, the applicant has amended the GDP/SE Plat to show that a 4 foot wide median will be constructed along the site's Nutley Street frontage.

- The proposed pedestrian crosswalk across Nutley Street should be relocated to the north side of the main entrance to provide pedestrians the element of safety afforded by the raised median in this area.

While the GDP/SE Plat still shows the pedestrian crosswalk across Nutley Street to be located on the south side of the main entrance, at staff's request the applicant has provided proffer language addressing this issue. At the time of site plan approval, both DPWES and DOT will determine the exact location of the crosswalk.

- The two northernmost parking spaces opposite the bank site should be eliminated in order to provide a vehicle turn around in this area of the parking lot.

The applicant has removed parking spaces in this area and provided a striped area to facilitate the need for vehicle movements in this area. However, staff still believes that the striped area and the drive aisle could be extended further to the north in order to provide better opportunity for turning movements. A development condition has been added to this effect.

- The sidewalk for Building B does not extend along the building's northern façade to provide access to the second entrance identified on the GDP/SE Plat. In addition, no dumpster facilities have been provided for this particular building.

The applicant has extended the 6-foot wide sidewalk along the entire northern façade of Building B. In addition, a dumpster has been added adjacent to the northwest corner of the building, with access provided via the drive aisle in this area.

- The applicant should commit to sidewalk modifications and easements as may be necessary to accommodate a future bus stop along the site's Nutley Street frontage.

The applicant has proffered to perform any sidewalk modifications required to accommodate the future bus stop location, as well as provide all necessary easements.

Public Facilities Analysis (*Appendices 10 through 14*)

Fairfax County Water Authority Analysis (*Appendix 10*)

The subject property is not located within the Fairfax County Water Authority Service Area, rather it is located in the City of Falls Church service area. However, the applicant has added proffer language allowing for the option to utilize the Fairfax County Water Authority for service on the subject property. This will be determined at the time of site plan review.

Park Authority Analysis (*Appendix 11*)

Issue: Heritage Resources

The Park Authority staff notes that the southern part of the subject property at the intersection of Nutley Street and Route 50 has moderate potential for prehistoric archeological sites, particularly the eastern portion of this area adjacent to Nutley Street. In the event that any portion of this area were to be developed as a part of this application, the Park Authority recommends that it be subjected to a tight interval Phase I archeological survey. In addition, should any archeological resources be found during the first phase study then it may be necessary to conduct further phased assessments.

Resolution:

Since the applicant is not proposing any development on this portion of the subject property, there is no requirement for a Phase I study at this time.

Sanitary Sewer Analysis (*Appendix 12*)

The subject site is located in the Accotink Creek (M2) Watershed and would be sewer into the Norman M. Cole, Jr. Pollution Control Plant. Two existing sewer pipe lines, a sixteen (16) inch and a twenty-one (21) inch pipe line, are located in an easement on the subject site and are adequate for the proposed use at this time. There are no sanitary sewer issues associated with this request.

Fairfax County Public Schools Analysis (Appendix 13)

Since the application is proposing commercial rezoning and development, the request bears no adverse impact on Fairfax County Public Schools.

Fire and Rescue Department Analysis (Appendix 14)

The application property is serviced by the Fairfax County Fire and Rescue Department, Station #430, Merrifield, and meets fire protection guidelines as determined by the Information Technology Section of the Fire and Rescue Department. In addition, the proposal currently meets the requirements of the Fire Marshal.

ZONING ORDINANCE PROVISIONS (Appendix 15)

The following chart depicts how the subject property meets the C-6 District zoning requirements:

C-6 District Requirements			
Standard	Required	Provided (SE Area)	Provided (RZ Area)
Lot Size	40,000 SF	3.68 acres	13.52 acres
Lot Width	200 feet	290 feet	346.64 feet
Building Height	40 feet maximum	35 feet	35 feet
Front Yard	40 feet (based on an 45 degree angle of bulk plane)	40 feet	40 feet
Side Yard	<i>No Requirement</i>	<i>Not applicable</i>	<i>Not applicable</i>
Rear Yard	20 feet	61 feet	61 feet
FAR	0.40	0.15	0.04
Open Space	15%	+/- 30%	+/- 81%
Parking	118 spaces	121 spaces	121 spaces
Transitional Screening & Barrier	Transitional Screening 2 Barrier D, E, or F	Waiver Requested	Waiver Requested

Waivers and ModificationsWaiver of the Service Drive Requirement

A service drive is required along the Lee Highway and Arlington Boulevard frontages of the site. Development is not proposed along the Arlington Boulevard frontage of the site. Direct access to Lee Highway from the site is not proposed. As proposed, there is only one entrance into the site provided via Nutley Street, and an additional right-out only point of exit further down from this single entrance on Nutley Street. The GDP/SE Plat shows improvements to Nutley Street along the subject site's frontage

and the proposed entrance has been configured to line up with the existing entrance to the Pan Am Shopping Center located on Nutley Street, which is associated with the newly constructed gas station in the Shopping Center; no other access points to the site are proposed.

For these reason, staff supports the waiver of the service drive requirement.

Waiver of the transitional screening and the barrier requirements:

Pursuant to Article 13 of the Zoning Ordinance, transitional screening 2 (a 35-foot wide landscaped open space strip) and Barrier D, E, or F (6-foot high fence or wall, or a 42 to 48-inch high chain link fence) is required between the proposed commercial development and the R-12 District to the west. As previously discussed, the applicant is proposing to keep the remaining 9.84 acres of the subject property as undisturbed open space, which will serve as a natural transitional screen between the commercial site and the residential development to the west. The width of this area is variable due to the irregular shape of the SE area, but it is approximately 75 feet wide at its shortest width. Since this exceeds the 35 foot requirement, and given that the area will remain undisturbed and therefore heavily wooded, staff can support the applicant's request for waiver of the transitional screening and barrier requirements.

Other Zoning Ordinance Requirements:

Special Exception Requirements

General Standards (Sect. 9-006)

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. *The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.*

The subject property is located in Area II, Vienna Planning District, Lee Community Planning Sector – V1. While there are no site specific recommendations for the subject property in the Comprehensive Plan, the Plan does provide guidelines on drive through facilities and the clustering of auto-oriented commercial uses, which are applicable to this application given the proposal of two auto-oriented uses, a drive-in bank and a drive through pharmacy. The plan map designates the site for retail/other.

As discussed in the report, staff believes that this standard has been satisfied.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The C-6 District regulations seek to accommodate permitted uses in a manner oriented to serve several neighborhoods. Development within the district should therefore be encouraged in compact centers that are planned as a unit and preferable confined to one quadrant of an intersection so as to provide for orderly development, maximize comparison shopping, permit one stop shopping, minimize traffic congestion, and, provide for safe and unimpeded pedestrian movement. In staff's opinion, the proposed uses are appropriate in the C-6 District and the site layout presented by the applicant adequately addresses the goals of the District. For this reason, staff believes this standard has been satisfied.

3. *The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.*

Staff feels that the proposed site layout will be harmonious with the surrounding area and will not adversely affect the present or future use of neighboring properties. The proposed building heights in the development are comparable to those of the Pan Am Shopping Center, directly across Nutley Street to the east. In addition, given the commitment by the applicant to preserve the remaining 9.84 acres of the subject property as undisturbed open space, which will allow for a better opportunity to provide transitional screening along the western property boundary, staff believes that this standard has been satisfied.

4. *The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

The transportation improvements shown on the GDP/SE Plat include the possible signalization of the new intersection created between the proposed development and Pan Am Shopping Center. The applicant has proffered to install the light at this intersection if warranted, which would improve potentially hazardous conflict in this area. In addition, the applicant is proposing a sidewalk with multiple access points along the site's Nutley Street frontage that will provide safe pedestrian access into the site in this area. Furthermore, an asphalt trail is proposed along the site's Route 29/Lee Highway frontage. For these reasons, staff believes that this standard has been satisfied.

5. *In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.*

While the applicant has provided landscaping on site, including adequate tree coverage and interior parking lot landscaping, a waiver of the transitional screening and barrier requirements has been requested. The applicant is requesting a waiver of these requirements in favor of the existing vegetation that is located along the western property boundary, adjacent to the R-12 zoned property. Since the preservation of the existing vegetation in this area will provide a better opportunity for screening than that specified in the Zoning Ordinance, staff supports this waiver. For these reasons, staff believes that this standard has been sufficiently satisfied.

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

The C-6 District requires 15% open space for development. The applicant is proposing that approximately 30% of the 3.68 acre SE area will be provided as open space. As a part of the rezoning area, the applicant is proposing over 80% open space due to the proffering of the remaining 9.84 acres of the subject property as undisturbed open space. Therefore, staff feels that this standard has been satisfied.

7. *Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.*

Staff feels that the application fulfills each of these requirements.

8. *Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.*

The applicant is proposing a monument sign as opposed to the typical pylon signage that is associated with highway strip development. The sign is to be located in the northeast corner of the subject property and will be approximately 6-feet in height. As a development condition, staff recommends that all signage on site be in accordance with Article 12 of the Zoning Ordinance.

Standards for all Category 5 Uses (Section 9-503)

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

1. *Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.*

As proposed on the GDP/SE Plat, the proposed development meets the lot size and bulk regulations of the C-6 District.

2. *All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.*

The proposed use complies with the Performance Standards as set forth in Article 14 of the Ordinance.

3. *Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.*

The applicant will be required to fulfill any applicable provisions of Article 17, as they relate to this request.

Additional Standards for Auto-Oriented Uses, Car Washes, Drive-In Banks, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts (Section 9-505)

1. *In all districts where permitted by special exception:*

- A. *Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.*

The applicant has proffered that the architecture materials and color of all buildings on site will be compatible in design and treatment to one another. However, the applicant has not provided any elevations to date to determine whether the proposed development is appropriate in context with the surrounding neighborhood.

- B. *Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.*

The transportation improvements shown on the GDP/SE Plat include the possible signalization of the new intersection created between the proposed development and Pan Am Shopping Center. The applicant has proffered to install the light at this intersection if warranted, which will coordinate vehicular traffic in this area. In addition, the applicant is proposing a network of sidewalks and crosswalks that will permit pedestrian circulation to the surrounding areas, and an asphalt trail along the site's Lee Highway frontage.

- C The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.*

As discussed above, staff expressed concern that any traffic associated with the drive through pharmacy would likely travel through the parking areas located between the pharmacy and the 3,000 square foot retail/restaurant establishment. This may result in the potential for vehicular conflict due to the mixing of drive through traffic and vehicles attempting to exit the parking spaces in this area. A similar concern was expressed with the proposed bank. Traffic associated with this use can either follow the same circuit as the pharmacy traffic, or travel north along the front of the site and through the parking lot to the north of the pharmacy to access the bank drive through lanes. While staff can support the site design as proposed in this regard, staff acknowledges that the proposed circulation pattern could be improved.

- D In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.*

Given the commitment by the applicant to preserve the remaining 9.84 acres of the subject property as undisturbed open space, which will allow for a better opportunity to provide transitional screening along the western property boundary, and the fulfillment of the C-6 District regulations, staff believes that, specifically, the size of the SE area is sufficient to accommodate the proposed uses. In addition, the limits placed on Buildings A & B in the southern portion of the SE, including the limitation on the hours of operation, mitigates potential adverse impacts to adjacent residential areas.

- E For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.*

Staff has added a development condition to address this concern.

- 1. In the C-5 and C-6 Districts, in addition to Par. 1 above:*

- A. There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.*

While there is no outdoor storage or display of goods proposed as a part of this application, once constructed the site will be required to fulfill all applicable provisions of the Zoning Ordinance, including those relating to outdoor storage and the outside display of goods.

- B. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two hours.*

Since the applicant is requesting approval of an SE for a drive-in bank and drive through pharmacy, this provision is not applicable.

Highway Corridor Overlay District Use Limitations (Sect. 7-608)

All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and, in addition, drive-in banks, fast food restaurants, quick-service food stores, service stations and service station/mini-marts shall be subject to the following use limitations:

- 1. In any Highway Corridor Overlay District:*

- A. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.*

This provision requires that such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties. As stated previously, the transportation improvements shown on the GDP/SE Plat include the possible signalization of the new intersection created between the proposed development and Pan Am Shopping Center. The applicant has proffered to install the light at this intersection if warranted, which will coordinate vehicular traffic in this area. In addition, the applicant is proposing a network of sidewalks and crosswalks that will permit pedestrian circulation to the surrounding areas, and an asphalt trail along the site's Lee Highway frontage.

- B. Such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means may be given favorable consideration:*

- (1) Access to the site is provided by a public street other than one intended to carry through traffic, and/or*

- (2) *Access to the site is provided via the internal circulation of a shopping center, which center contains at least six (6) other commercial uses, or an office complex having a limited number of well-designed access points to the public street system and no additional direct access is provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, and/or*
- (3) *Access to the site is provided by a functional service drive, which provides controlled access to the site.*

Paragraph 1B requires that such a use shall have access designed in a manner not to impede traffic on a public street intended to carry through traffic. There is only one entrance into the site provided via Nutley Street, and an additional right-out only point of exit further down from this single entrance on Nutley Street. The GDP/SE Plat shows significant improvements to Nutley Street along the subject site's frontage and the proposed entrance has been configured to line up with the existing entrance to the Pan Am Shopping Center located on Nutley Street, which is associated with the newly constructed gas station in the Shopping Center; no other access points to the site are proposed.

The transportation improvements shown on the GDP/SE Plat include the possible signalization of the new intersection created between the proposed development and Pan Am Shopping Center. The applicant has proffered to install the light at this intersection if warranted, which will coordinate vehicular traffic in this area.

- C. *There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.*

While there is no outdoor storage or display of goods proposed as a part of this application, once constructed the site will be required to fulfill all provisions of the Zoning Ordinance, including those relating to outdoor storage and the outside display of goods.

Summary of Zoning Ordinance Provisions

Based on the above analysis, staff believes that the application satisfies the applicable provisions of the Zoning Ordinance.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant requests to rezone 13.52 acres from C-3, C-6, C-8 and HC, to C-6 and HC in order to develop a 3.68 acre portion of the subject property with commercial uses, including a drive-in bank, a drive-through pharmacy, restaurant, and retail uses. The total floor area ratio (FAR) proposed under this application is 0.15 for the SE area of the subject property and 0.04 for the entire subject property. The remaining 9.84 acres of the subject property outside of the SE area will remain as undisturbed open space.

While the site could support a combination of permitted uses in the C-6 District beyond the requested drive-in bank and drive-through pharmacy, the applicant is proffering to limit both the types of uses and the number of tenants allowed in Buildings A & B, located in southern portion of the SE area. As previously discussed in the staff report, the GDP and the proffers indicate that only one of these two buildings will be designated for use as an eating establishment. The remaining building will be limited to those uses identified in the proposed proffers. In staff's evaluation, the proposal is in harmony with the intent of the Comprehensive Plan and meets all applicable provisions of the Zoning Ordinance.

Recommendation

Staff recommends approval of RZ 2006-PR-013, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of SE 2006-PR-005, subject to the proposed development conditions contained in Appendix 2 of the staff report.

Staff recommends approval of the waiver of the service drive requirement along the Lee Highway and Arlington Boulevard frontages of the site.

Staff recommends approval of the waiver of the transitional screening and barrier requirements along the perimeters adjacent to residential use in favor of the existing vegetation.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Proposed Development Conditions
3. RZ and SE Affidavits
4. Statement of Justification
5. Comprehensive Plan Citations
6. Land Use & Environmental Analysis
7. Stormwater Planning Analysis
8. Urban Forest Management Analysis
9. Transportation Analysis
10. Water Authority Analysis
11. Park Authority Analysis
12. Sanitary Sewer Analysis
13. Schools Analysis
14. Fire and Rescue Analysis
15. Applicable Zoning Ordinance Provisions
16. Glossary of Terms

**RZ 2006-PR-013
WASHINGTON PROPERTY COMPANY, LLC
PROFFER**

February 8, 2007

Pursuant to §15.1-2203(A) of the Code of Virginia (1950 as amended) and §18-203 of the Zoning Ordinance of Fairfax County (1978 as amended) the property owner and Applicant, Washington Property Company, LLC, for itself and its successors assigns, (hereinafter referred to as the "Applicant") proffers that the development of the parcel under consideration identified on the Fairfax County Tax Maps as Tax Map Reference 48-4((1))12 (hereinafter referred to as the "Property"), will be in accordance with the following conditions, if and only if, the application, known as RZ 2006-PR-013 is granted rezoning the Property to the C-6 and HC Districts. The Proffered Development Conditions are as follows:

DEVELOPMENT PLAN

1. A. The Property shall be developed in substantial conformance with the GDP/SE Plat dated February 8, 2007 prepared by Walter L. Phillips, Incorporated.

B. Only one of the two (2) free standing buildings in the southern portion of the Property labeled "Proposed Retail Restaurant" may be used as an eating establishment. The other building may only be used for the following C-6 District Permitted Uses:

- Business service and supply service establishment
- Garment cleaning establishment
- Office
- Personal service establishment
- Retail Sales establishment (excluding adult book stores; video/DVD stores primarily dealing with the sale, rental, or exhibition of adult oriented material; tattoo parlor/piercing establishments; psychic readers/fortune tellers; topless or nude dancing/stripping establishments; adult mini motion picture theaters, movie or "peep show" establishments)

C. There shall be a maximum of four (4) total permitted uses occupying the two (2) free standing buildings.

D. The hours of operation of the uses in the two freestanding buildings shall be limited to 6 a.m. to midnight (12:00 a.m.).

E. Deliveries and trash pickup shall be limited to the hours of 8 a.m. to 10 p.m. weekdays.

2. Pursuant to Paragraph 4 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP/SE Plat may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the GDP/SE Plat without approval of a PCA, provided such changes are in substantial conformance with the GDP/SE Plat as determined by the Zoning Administrator, agents or assigns and neither increase the total gross square footage, decrease the amount of required parking, decrease the amount of open space, nor decrease distance from buildings to the closest peripheral property line(s). Any such modifications shall not decrease the limits of clearing and grading and buffers shown on GDP/SE Plat.

TRANSPORTATION

3. A. Prior to final site plan approval of the first site plan, or on demand by the Board of Supervisors, whichever occurs first, the Applicant shall dedicate and convey in fee simple, and at no cost, to the Board of Supervisors right of way along the Property's Lee Highway and Nutley Street frontages as shown on the GDP/SE Plat.

B. At time of site plan approval or upon demand, whichever occurs first, Applicant shall provide all right-of-way dedication and easements needed for completion of the Route 29 improvement plan per the VDOT design plans. (VDOT Project)

C. Prior to the issuance of the first non residential use permit (NONRUP), Applicant shall construct of curb, gutter, sidewalk and pavement for the section of Route 29 road improvements along the Property's Route 29 frontage.

4. Prior to the issuance of the NONRUP, the Applicant shall construct road improvements along the Nutley Street frontage, as shown on the GDP/SE Plat as approved by VDOT.

5. A. Where the internal pedestrian system crosses the travelways of the parking lots, crosswalks shall be provided prior to the issuance of the first NONRUP. These may be either pavement treatments or pavement painting which clearly mark the pedestrian pathways. Pedestrian crossings shall be provided to the satisfaction of DPWES.

B. Prior to the issuance of the first NONRUP, a crosswalk shall be provided across Nutley Street between the Property and the Pan Am Shopping Center as shown on the GDP/SE Plat subject to VDOT approval. Such crosswalk shall be constructed as a raised

crosswalk of material different from the surrounding parking lot (such as stamped asphalt or pavers), and shall be signed as a pedestrian crosswalk. The exact location shall be determined by DPWES in consultation with FCDOT at time of site plan approval.

6. The Applicant shall complete a signal warrant study, and if warranted by VDOT, design and install a traffic signal on Nutley Street at the Property's main entrance as shown on the GDP/SE Plat.

7. The Applicant shall make sidewalk modifications as may be needed to serve/accommodate a future bus stop along the Property's Nutley Street frontage. The Applicant shall provide necessary easements, at no cost, for the bus stop.

8. Applicant recognizes that in the event the Nutley Street improvements require a retaining wall redesign that is not in substantial conformance with those shown on the GDP/SE Plat, a Proffer Condition Amendment/Special Exception Amendment may be required.

ENVIRONMENT

9. A. All stormwater management facilities constructed on the Property and/or associated with the development shall be Best Management Practices (BMP) facilities, as determined by DPWES.

B. During initial Site Plan submission, the Applicant shall coordinate with DPWES to determine appropriate types and locations for LID techniques/BMP facilities, and shall implement such recommendations. Innovative BMP facilities shall be installed throughout the site to include but not be limited to underground vaults, and in filtration trenches, as approved by DPWES.

C. In order to protect the Resource Protection Area (RPA) during the on-site construction phase of development, erosion and sedimentation control measures designed to achieve up to 90% sediment trapping efficiencies or greater as feasible, as determined by DPWES, shall be implemented in conformance with the methods recommended by the Virginia Soil and Water conservation District in the Virginia Erosion and Sediment Control Handbook. All such activities shall be subject to approval by DPWES, prior to installation.

10. Prior to the issuance of the first RUP, bicycle racks or other bicycle parking for at least 10 bikes shall be provided near the entrance of the 4 buildings.

11. A. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP/SE Plat, subject to allowances specified in these proffered conditions and for

the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP/SE Plat, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM and for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities. Applicant shall preserve trees in those areas designated on the GDP/SE Plat as buffers and those areas shown to be protected by the limits of clearing and grading.

B. All tree preservation-related work occurring in or adjacent to the limits of clearing and grading shall be accomplished in a manner that minimizes damage to vegetation to be preserved, including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Removal of any vegetation, if any, or soil disturbance within the limits of clearing and grading, including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject within the limits of clearing and grading to the review and approval of UFM. The use of equipment within the limits of clearing and grading will be limited to hand-operated equipment such as chainsaw, wheel barrows, rake and shovels. Any work that requires the use of equipment, such as skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM.

C. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting with the UFM to be held prior to any clearing and grading. During the walk-through meeting, the Applicant's certified arborist or landscape architect shall walk such limits of clearing and grading with an UFM representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented; provided, however, that no adjustment shall be required that would affect the location of buildings, including a requirement for additional retaining walls in excess of two feet in height. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associate understory vegetation. If a stump must be removed,

this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associate understory vegetation and soil conditions.

D. The limits of clearing and grading shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas as shown on the phase I and II erosion sediment control sheets. All tree protection fencing shall be installed after the walk-through meeting described in Proffer 11.B above but prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the commencement of any clearing or grading activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, the UFM, DPWES shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

E. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the respective public improvement/site plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affect and adjacent vegetation to be preserved, and may include, but not be limited to the following: (1) root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches; (2) root pruning shall take place prior to any clearing and grading; (3) root pruning shall be conducted with the supervision of a certified arborist; and (4) a UFM representative shall be informed when all root pruning and tree protection fence installation is complete.

F. During any clearing or tree/vegetation removal in the areas adjacent to the tree preservation areas, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and

demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM. The Providence District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting described in Par. C. above.

G. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 6 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective public improvement/site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

H. At the time of the respective public improvement/site plan approvals, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with Proffer 8.G above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to 50% of the replacement value of the Bonded Trees. The cash bond shall consist of 33% of the amount of the letter of credit. At any time prior to final bond release, should any bonded Trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFM. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

I. All of the open space buffers along the Property's southern and western property lines shall be maintained as undisturbed open space subject to the necessary installation of utilities in the least disruptive manner and the removal of dead, dying or invasive vegetation. Prior to site plan approval, a determination shall be made by DPWES in consultation with the Park

Authority whether the undisturbed open space that is being rezoned to the C-6 District, but is not subject to SE 2006-PR-005, should be dedicated to the Park Authority. In the event the Park Authority wants the land dedicated, the Applicant shall dedicate and convey in fee simple the area to the Park Authority for public park purposes, prior to site plan approval and subject to necessary utility and SWM easements.

LANDSCAPING

12. A. As a part of the site plan submission for the project, a landscaping plan will be submitted to DPWES for review and approval. Such landscaping plans shall conform to the design shown on the GDP/SE Plat, provided, however, that with the specific concurrence of Urban Forest Management, the Applicant may substitute vegetative materials and alter their location to accommodate engineering considerations. The vegetative density will be as represented on the GDP/SE Plat. The Applicant shall maintain the landscaping in good condition and promptly replace dead landscaping with similar species.

B. All canopy trees shall be minimum 3" - 3.5" caliper at time of planting.

C. All evergreen trees shall be a minimum 6 foot tall at time of planting.

13. The plaza and paved areas will be designed and constructed in conformance with the concepts depicted on the GDP/SE Plat, provided, however, that, subject to the approval of DPWES, the specific distribution and location of landscaping, walkways, and focal seating areas may be modified to accommodate the design theme for the Property selected by the Applicant, so long as such modifications are in substantial conformance with the GDP/SE Plat, and are provided in the quality and quantity of that shown on the GDP/SE Plat. Plaza areas shall be constructed concurrently with the development of the respective phase of the project.

SIGNAGE AND OTHER DESIGN DETAILS

14. All free-standing signs shall be monument. No pole signs (excepting directional signage on-site) shall be permitted.

15. In order to minimize any potentially adverse impacts from service activities taking place at the rear of the stores, the Applicant commits to the following:

No truck deliveries, including trash removal, shall be permitted within the project between 11:00 p.m. and 6:00 a.m. daily.

16. A. The architecture of the proposed buildings shall be in substantial conformance with the architectural elevations shown on the GDP/SE Plat. The proposed buildings shall have similar architectural treatment and materials on the front and side façades.

B. The architectural materials of the proposed development shall consist of any of the following materials used singly or in combination with other materials: Brick masonry, architectural CMU, EIFS, architectural metals and glazing systems. The same colors and types of materials shall be used on all sides of all buildings. Architectural details to demonstrate conformity shall be provided on all final site plans. A palette of no more than 2 base colors and 3 accent colors will be provided at first building permit application and all buildings shall use these colors.

C. All dumpsters will be fully screened.

17. No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code or Virginia shall be placed on or off-site by the Applicant or at the Applicants' direction to assist in the initial sale or rental of space on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale and/or rental of residential units on the Property to adhere to this proffer.

18. All on-site lighting shall comply with Article 14.

19. Rooftop equipment shall be screened where units would be visible from off-site.

20. Water Service. At the time of site plan review, the Applicant shall meet with Fairfax Water to mutually assess the economic and engineering implications of utilizing Fairfax Water service to serve the new development. If the Applicant and Fairfax Water determine that connecting to Fairfax Water can be accommodated in a manner that is reasonably feasible from both a financial and engineering perspective, then the Applicant shall serve the new development through Fairfax Water.

[Signatures begin on the following page]

APPLICANT/AGENT FOR TITLE OWNER:

Washington Property Company, LLC

By: Charles K. Nulsen, III

Title: President

TITLE OWNER:

Nutley Street, LLC

By: Washington Property Company, LLC

Title: Manager

By: Charles K. Nulsen, III

Title: President

PROPOSED DEVELOPMENT CONDITIONS

SE 2006-PR-005

March 1, 2007

If it is the intent of the Board of Supervisors to approve SE 2006-PR-005 located at Tax Map 48-4 ((1))12pt., for the establishment of a drive-in bank and drive through pharmacy in accordance with Sect. 4-603 of the Zoning Ordinance, 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 associated with 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 associated with this 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 Generalized Development Plan/Special Exception Plat entitled "Lee Highway and Nutley Street" prepared by Walter L. Phillips, Incorporated, and dated March 8, 2006 as revised through February 8, 2007, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Part 4 of Section 9-004 of the Zoning Ordinance.
5. A maximum of one (1) drive through lane shall be allowed to serve the pharmacy use. The drive-through shall be used only for the drop-off of prescriptions and pick-up of pharmaceuticals. No general retail sales shall be permitted from the drive-through. A sign to this effect shall be posted prominently in the vicinity of the drive-through window.
6. A maximum of three (3) drive through lanes shall be allowed to serve the bank use. The hours of operation of the drive through lanes, excluding the ATM lane, shall be limited to Monday through Friday from 9:00 AM to 7:00 PM, Saturday from 9:00 AM to 4:00 PM, and Sunday from 11:00 AM to 3:00 PM.

7. The maximum number of employees for the bank shall be twelve (12) at any one time.
8. Prior to site plan approval, and subject to Fairfax County Department of Transportation review and approval, the aisle way at the northern most point of the parking lot, adjacent to the proposed bank site, shall be extended in order to provide additional area for the adequate turning around of vehicles in this area. Any additional striping for this purpose shall also be provided at this time.
9. Irrespective of that shown on the GDP/SE Plat, supplemental landscaping shall be provided as determined by UFM within the five (5) foot wide landscaping strip along the site's Nutley Street frontage located within the public right-of-way in a manner that does not impede sight distance. A landscape plan depicting this supplemental landscaping, including, but not limited to, the number and types of species, shall be submitted concurrent with a site plan submission and shall be subject to review and approval of UFM, DPWES. In addition, the landscape plan shall also depict: the number and sizes of trees and plantings consistent with that shown on the SE Plat as determined by UFM; any trees that are proposed to be saved within the Resource Protection Area (RPA) adjacent to the SE area; and the appropriate reforestation of any disturbed area of the RPA, as determined by UFM.
10. Structural/Soil shall be provided for all trees that do not meet the minimum planting area required by the Public Facilities Manual ("PFM"), as determined by Urban Forest Management. Geotextile fabric shall be provided between the structural soil and a layer of organic material located on top of the structural soil. Written documentation, including information about the composition of the structural soil shall be provided, to Urban Forest Management indicating that a qualified and appropriately licensed company shall provide the structural soil at the time of site plan submission. The Applicant shall provide 72-hour notice to Urban Forest Management and the Providence District Supervisor's Office prior to installation of the soil to allow verification of the composition of the structural soil and verification that the structural soil is installed correctly. The Applicant shall provide written confirmation from a certified arborist and/or landscape architect demonstrating and verifying installation of structural soil.
11. All signs shall be in conformance with the provisions of Article 12 of the Zoning Ordinance. Furthermore, there shall be no pole mounted signage, and all signs shall be lighted only during the hours of operation.
12. Stormwater Management and Best Management Practices Facilities in accordance with the Public Facilities Manual (PFM) shall be provided as determined necessary by DPWES, unless waived by DPWES. Irrespective of that shown on the GDP/SE Plat adequate outfall shall be provided for the site in accordance with the PFM using a method as determined by DPWES.

13. Right-of-way at the intersection of Lee Highway and Nutley Street to accommodate the curb return and traffic control equipment as determined by Fairfax County Department of Transportation (FCDOT) shall be dedicated and conveyed in fee simple to the Board of Supervisors at the time of site plan review or upon demand of Fairfax County, whichever should first occur.

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 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 Exceptions 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.