



APPLICATION ACCEPTED: April 25, 2008  
PLANNING COMMISSION: September 24, 2008  
BOARD OF SUPERVISORS: October 20, 2008

# County of Fairfax, Virginia

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September 10, 2008

## STAFF REPORT

### SPECIAL EXCEPTION APPLICATION SE 2008-LE-013

#### LEE DISTRICT

**APPLICANT:** Chevy Chase Bank, F.S.B.

**ZONING:** C-2 and HC

**PARCEL(S):** 81-4 ((4)) 6, 7

**ACREAGE:** 30,474 square feet (SF)

**FAR:** 0.11

**OPEN SPACE:** 35%

**PLAN MAP:** Office

**SE CATEGORY:** Category 5, Drive-In Financial Institution  
Category 6, Waiver of Certain Sign Regulations

**PROPOSED WAIVERS  
AND MODIFICATONS:** Modification of transitional screening along the  
southern property line

Waiver of the barrier requirement along the  
eastern property line

Waiver of the loading space requirement

Modification of the trail requirement

**PROPOSAL:** The applicant seeks a special exception to  
permit a drive-in financial institution in a  
Highway Corridor Overlay (HC) District, and a  
waiver of certain sign regulations to permit  
increased sign area.

Kelli-Mae Goddard-Sobers

## **STAFF RECOMMENDATIONS:**

Staff recommends denial of SE 2008-LE-013; however, if it is the intent of the Board of Supervisors to approve SE 2008-LE-013, staff recommends that the approval be subject to the proposed development conditions in Appendix 1.

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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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.

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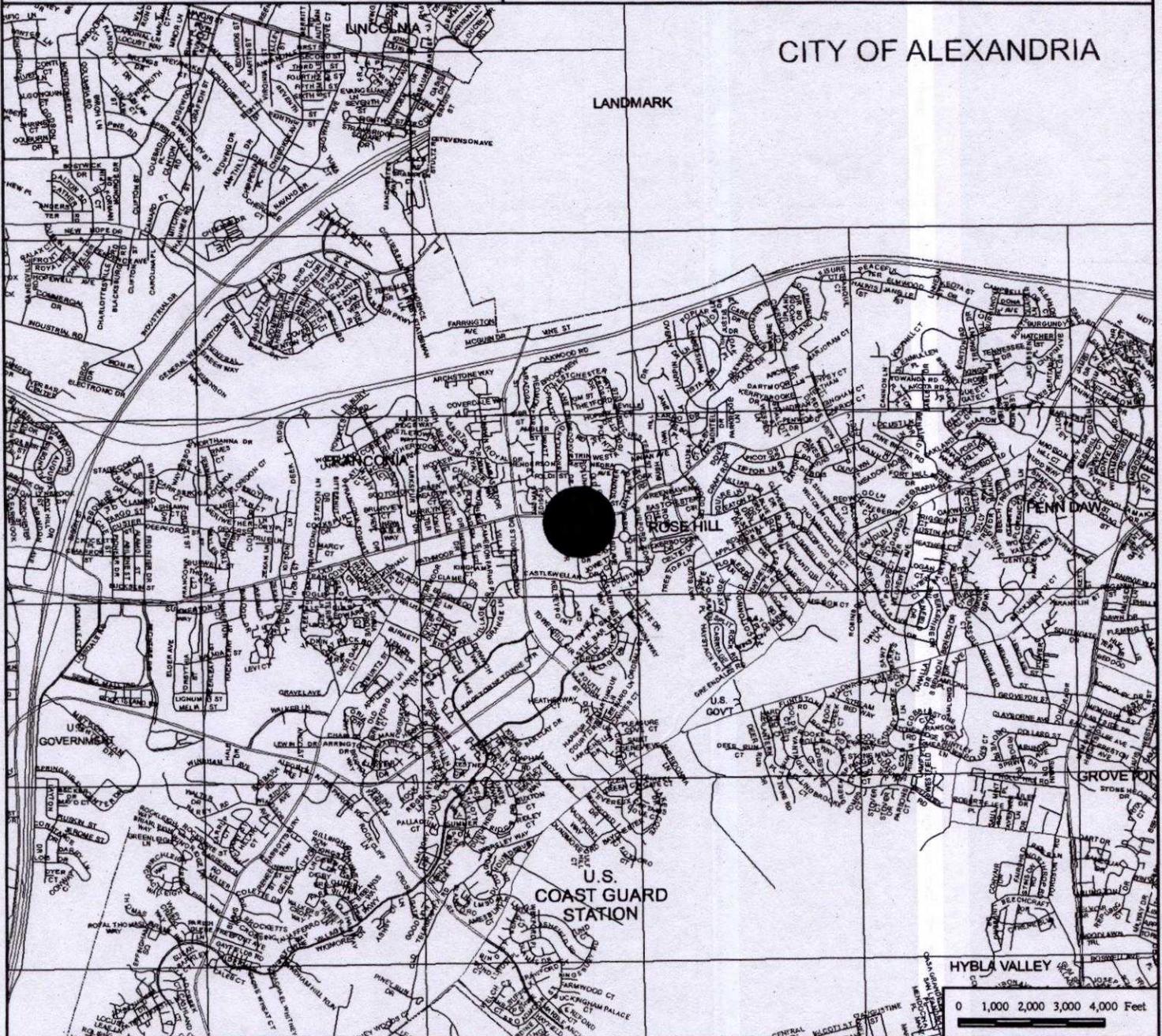
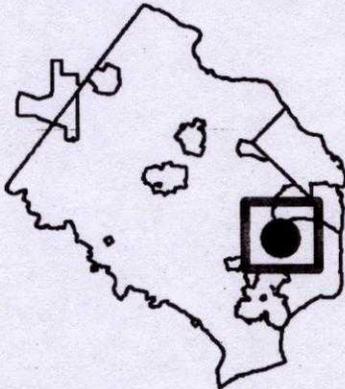
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Exception

SE 2008-LE-013

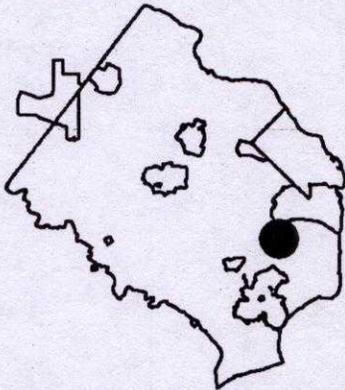
Applicant: CHEVY CHASE BANK, F.S.B.  
Accepted: 04/25/2008  
Proposed: DRIVE-IN FINANCIAL INSTITUTION IN A HIGHWAY CORRIDOR OVERLAY DISTRICT AND WAIVER OF CERTAIN SIGN REGULATIONS

Area: 30,474 SF OF LAND; DISTRICT - LEE  
Zoning Dist Sect: 09-062007-0607  
Art 9 Group and Use: 6-17 6-07  
Located: 5511 & 5515 FRANCONIA ROAD  
Zoning: C-2  
Plan Area: 4,  
Overlay Dist: HC  
Map Ref Num: 081-4 /04/ /0006 /04/ /0007



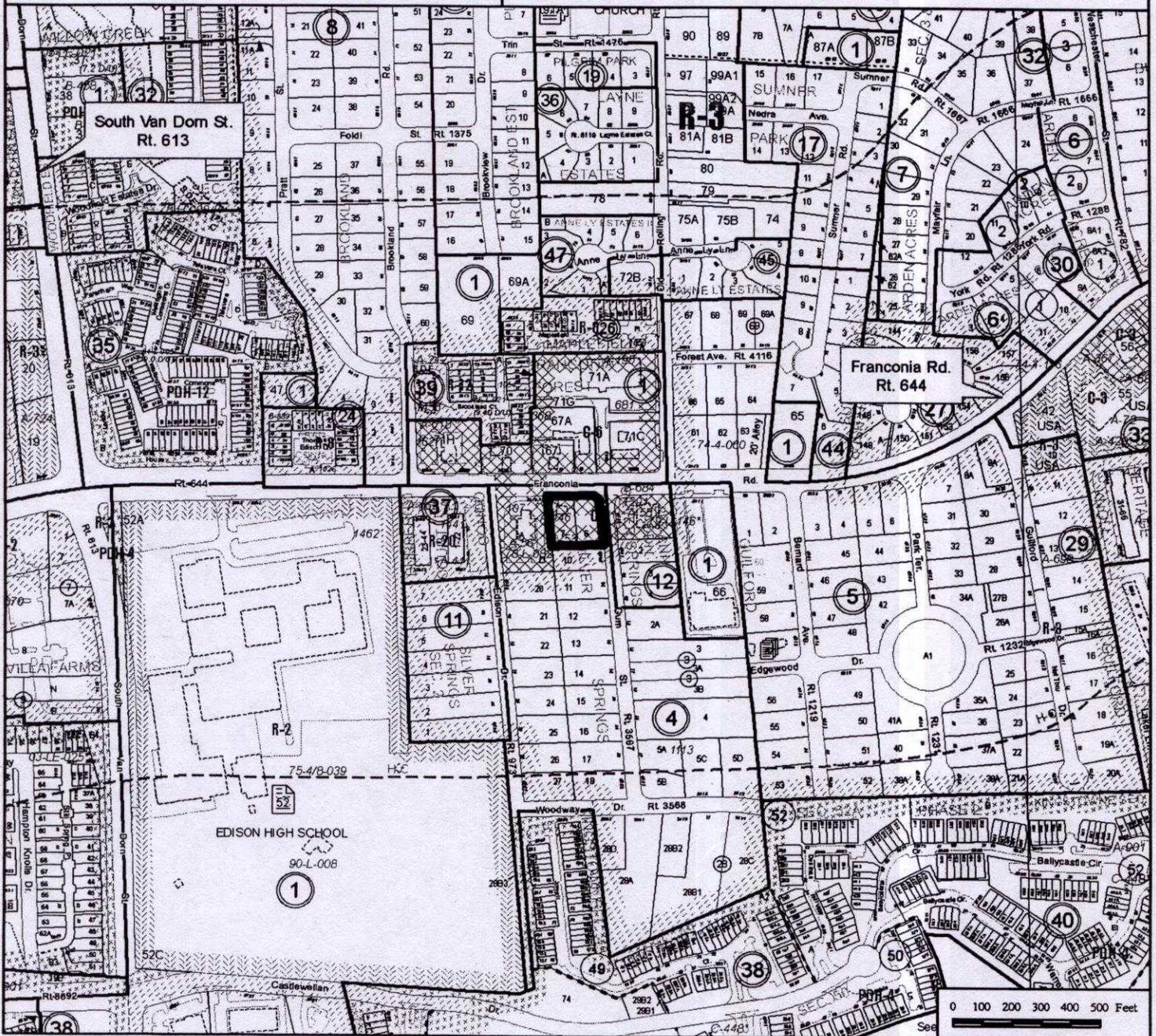
# Special Exception

SE 2008-LE-013



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**Accepted:** 04/25/2008  
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**Zoning:** C-2  
**Plan Area:** 4,  
**Overlay Dist:** HC  
**Map Ref Num:** 081-4 /04/ /0006 /04/ /0007





**BOHLER**  
ENGINEERING

CIVIL & CONSULTING ENGINEERS

REGISTERED PROFESSIONAL ENGINEERS  
STATE OF VIRGINIA  
EXPIRES 12/31/2011

BOHLER ENGINEERING  
1000 W. MAIN ST., SUITE 100  
ALEXANDRIA, VA 22304  
TEL: 703.701.1000  
FAX: 703.701.1001  
WWW.BOHLER-VA.COM



NO.	DATE	DESCRIPTION
1	10/15/10	ISSUED FOR PERMIT
2	10/15/10	ISSUED FOR PERMIT
3	10/15/10	ISSUED FOR PERMIT

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**EVM - CHEVY CHASE BANK - PREPARED BY SHAWN T. FROST, CIA**

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**CHEVY CHASE BANK**

5511 FRANCONIA RD.  
FAIRFAX COUNTY  
ALEXANDRIA, VA

**BOHLER**  
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ALEXANDRIA, VA 22304  
TEL: 703.701.1000  
FAX: 703.701.1001  
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**EXISTING VEGETATION MAP LEGEND:**

- COVER TYPE BOUNDARY
- (A) UPLAND FOREST
- (B) DEVELOPED LAND
- (C) EXISTING TREES

**NOTES:**

- THE EXISTING ABOVE 1" DUMP FRAME ENVELOPES (IN RED) WHICH WERE CONSTRUCTED IN 1948, IS TO BE DEMOLISHED AND REBUILT.
- THE ONE (1) FOOT CONCRETE RETAINMENT WALL IS TO BE DEMOLISHED AND REBUILT AS SHOWN ON THE PLAN SET.

**MISS UTILITY**

NO OPEN FLAMES OR SPARKS  
NO SMOKING  
NO DRINKING OR EATING  
NO LOITERING  
NO OBSCENE LANGUAGE OR GESTURES  
NO EXCESSIVE NOISE  
NO EXCESSIVE LIGHTS  
NO EXCESSIVE VIBRATIONS  
NO EXCESSIVE DUST OR DEBRIS  
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**GRAPHIC SCALE**

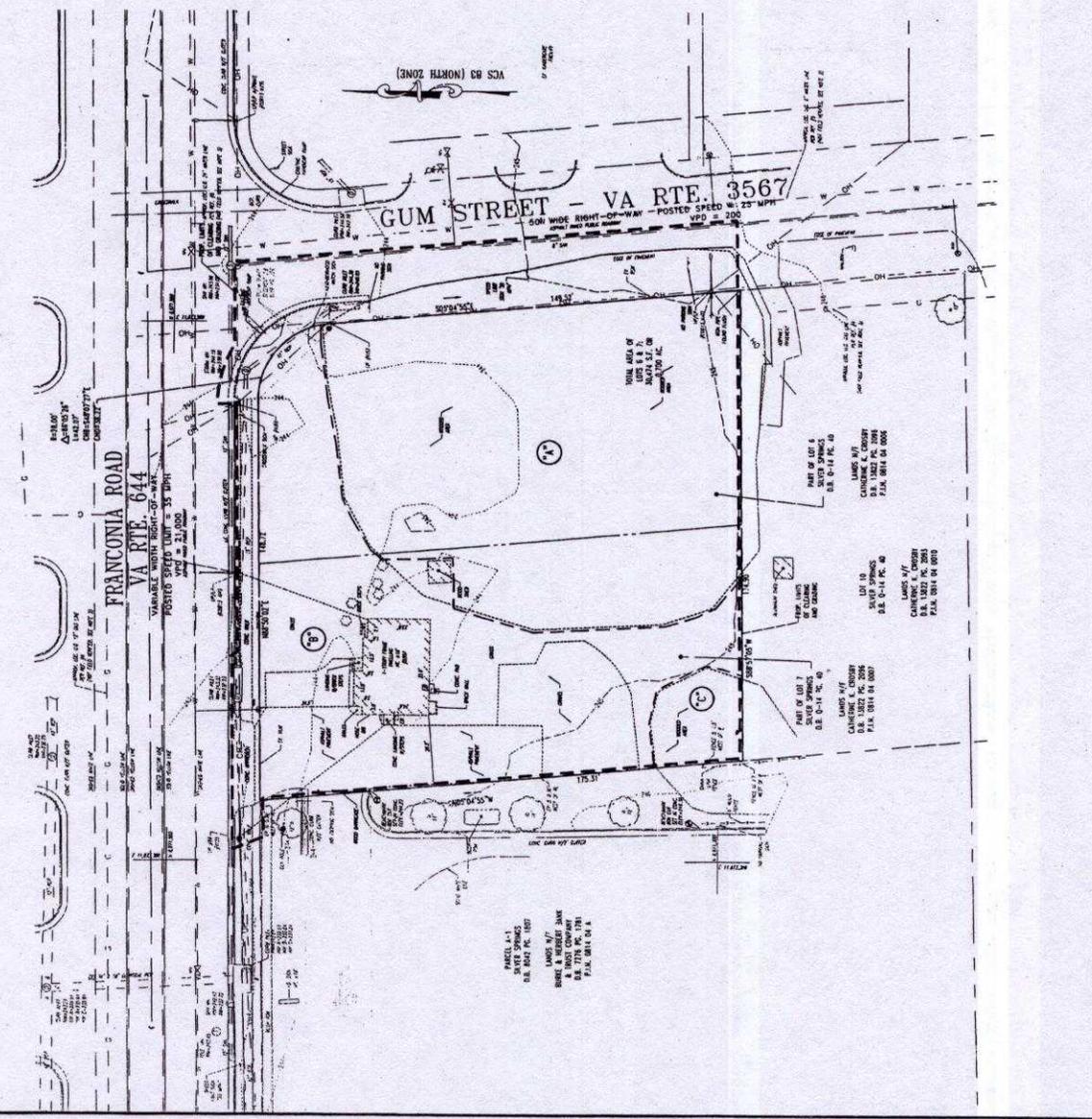
1" = 100'

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**EXISTING CONDITIONS PLAN & EVM**

SHEET NUMBER: 2 OF 8

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**STORM WATER MANAGEMENT & BMP NARRATIVE**

**EXISTING AND PROPOSED CONDITIONS**  
 THE SUBJECT SITE CONSISTS OF AN EXISTING SINGLE FAMILY RESIDENCE WITH A 1.5 ACRE LOT. THE EXISTING STORM WATER MANAGEMENT SYSTEM IS A 12" DIA. 100' LONG CONCRETE STORM MAIN WITH A 6" DIA. 10' LONG CONCRETE STORM MANHOLE. THE PROPOSED STORM WATER MANAGEMENT SYSTEM IS A 12" DIA. 100' LONG CONCRETE STORM MAIN WITH A 6" DIA. 10' LONG CONCRETE STORM MANHOLE. THE PROPOSED STORM WATER MANAGEMENT SYSTEM IS A 12" DIA. 100' LONG CONCRETE STORM MAIN WITH A 6" DIA. 10' LONG CONCRETE STORM MANHOLE. THE PROPOSED STORM WATER MANAGEMENT SYSTEM IS A 12" DIA. 100' LONG CONCRETE STORM MAIN WITH A 6" DIA. 10' LONG CONCRETE STORM MANHOLE.

**DESIGN AND CONSTRUCTION**  
 THE PROPOSED STORM WATER MANAGEMENT SYSTEM IS A 12" DIA. 100' LONG CONCRETE STORM MAIN WITH A 6" DIA. 10' LONG CONCRETE STORM MANHOLE. THE PROPOSED STORM WATER MANAGEMENT SYSTEM IS A 12" DIA. 100' LONG CONCRETE STORM MAIN WITH A 6" DIA. 10' LONG CONCRETE STORM MANHOLE. THE PROPOSED STORM WATER MANAGEMENT SYSTEM IS A 12" DIA. 100' LONG CONCRETE STORM MAIN WITH A 6" DIA. 10' LONG CONCRETE STORM MANHOLE.

**OUTFALL ANALYSIS**  
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**PROVISIONS**

NO.	DATE	DESCRIPTION
1	10/15/08	CONTRACT
2	11/15/08	REVISIONS
3	12/15/08	REVISIONS
4	01/15/09	REVISIONS
5	02/15/09	REVISIONS
6	03/15/09	REVISIONS
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175	04/15/23	REVISIONS
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198	03/15/25	REVISIONS
199	04/15/25	REVISIONS
200	05/15/25	REVISIONS

**NOT APPROVED FOR CONSTRUCTION**

**SPECIAL EXEMPTION PLAN**

FOR

**CHEVY CHASE BANK**

5511 FRANCONIA RD.  
 FARMAS COUNTY  
 VA 22031

**BOHLER ENGINEERS**

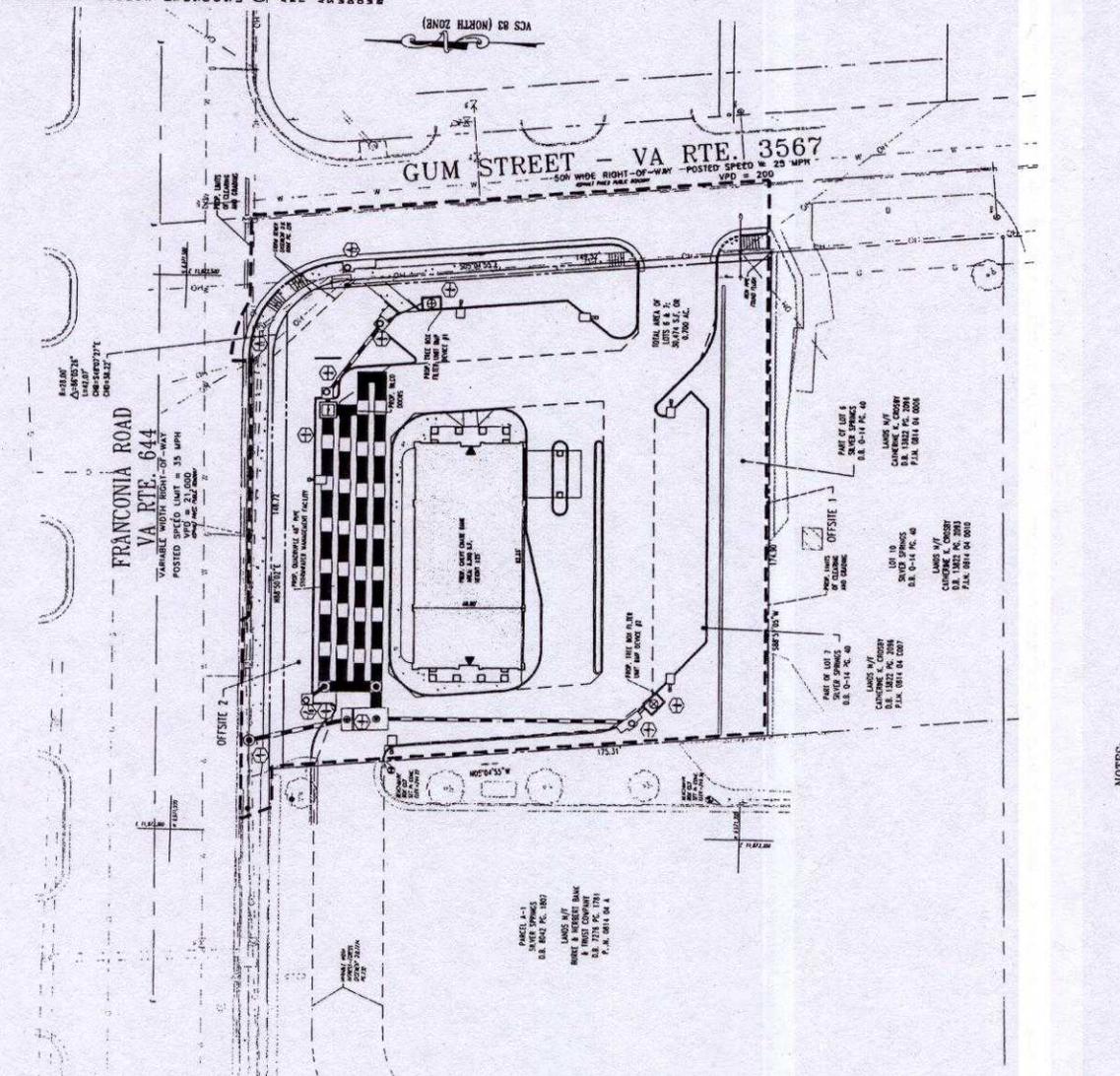
2010 BAYVIEW DRIVE  
 FARMAS COUNTY  
 VA 22031

**MISS UTILITY**

MISS UTILITY

**PRELIMINARY SWM PLAN**

SHEET NUMBER 5 OF 8



**NOTES:**

1. INFORMATION PROVIDED ON THIS PLAN IS FOR INFORMATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.
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**GRAPHIC SCALE**

1" = 100'

**BOHLER ENGINEERS**

2010 BAYVIEW DRIVE  
 FARMAS COUNTY  
 VA 22031





**BOHLER**  
ENGINEERING

CHAS. E. CHAPMAN, ENGINEER  
REGISTERED PROFESSIONAL ENGINEER  
NO. 10,000, STATE OF VIRGINIA  
MEMBER AMERICAN SOCIETY OF CIVIL ENGINEERS  
MEMBER VIRGINIA SOCIETY OF PROFESSIONAL ENGINEERS

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

NOT APPROVED FOR CONSTRUCTION

SPECIAL EXCEPTION PLAN 104

CHEVY CHASE BANK

5511 FRANCONIA RD.  
FAIRFAX COUNTY  
ALEXANDRIA, VA

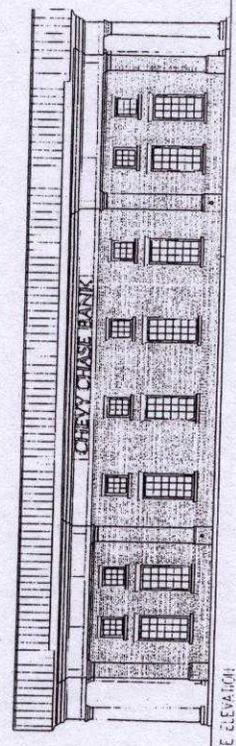
**BOHLER**  
ENGINEERING

2220 BANGS DRIVE SUITE 200  
ALEXANDRIA, VA 22304  
TEL: (703) 798-4500  
FAX: (703) 798-4501  
WWW.BOHLENERG.COM

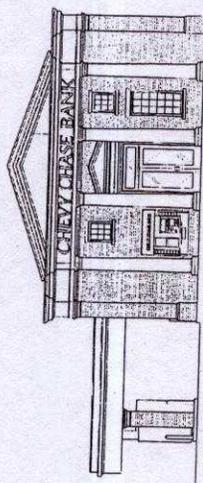
PROJECT NO. 104  
DATE: 1/17/08  
BY: JLD  
CHECKED BY: JLD

MISS UTILITY

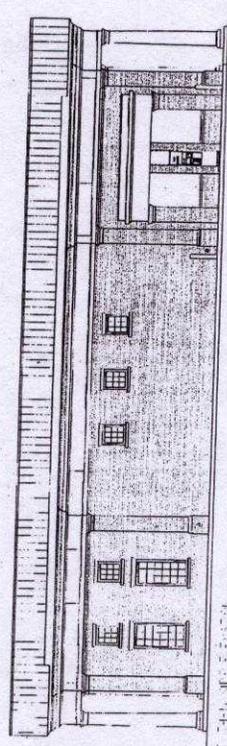
1 - EVERY CREDIT THAT IS A PART OF THE PROJECT MUST BE PAID BY THE CONTRACTOR TO THE CITY OF ALEXANDRIA, VA. BY THE DATE OF THE PROJECT'S COMPLETION.



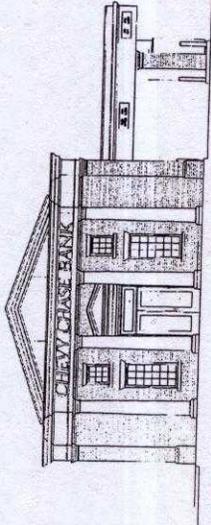
SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION



BACK ELEVATION

**DISCLAIMER:** REPRESENTATIVE OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS FOR CONFORMANCE WITH ALL APPLICABLE CODES AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

SHEET NO. 8 OF 8  
SHEET NUMBER: 8

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

**DESCRIPTION OF THE APPLICATION**

<b>Proposal:</b>	<p>The applicant seeks approval of a Category 5 Special Exception for a freestanding drive-in financial institution with two drive-through lanes in a Highway Corridor (HC) Overlay District.</p> <p>The applicant also seeks approval of a Category 6 Special Exception for a waiver of certain sign regulations to allow three wall mounted signs of approximately 35 square feet (SF) each, a total of approximately 106 SF, where 60 SF would be allowed by-right.</p>
<b>Proposed Hours:</b>	<p>6 am to 10 pm, Monday through Saturday Automated Teller Machines (ATM): 24 hours a day, 7 days a week</p>
<b>Employees:</b>	<p>8</p>
<b>Waivers and Modifications:</b>	<p>Modification of the transitional screening requirement to the south in favor of that shown on SE Plat</p> <p>Waiver of the barrier requirement to the east, in favor of that shown on the SE Plat</p> <p>Waiver of loading space requirement</p> <p>Waiver of the trail requirement along the frontage of Franconia Road</p>

**LOCATION AND CHARACTER**

The 30,474 SF subject property consists of two lots addressed 5511 and 5515 Franconia Road. It is located in the southwest quadrant of the intersection of Franconia Road (Route 644), and Gum Street, in the Silver Spring residential subdivision. Parcel 6, which is located on the corner of Franconia Road and Gum Street, is vacant and heavily vegetated. Parcel 7 contains a former single-family residence structure which was used for a commercial office; the structure is currently vacant. There is only one point of access from Parcel 6 onto Gum Street. Access to Parcel 7 is via an interparcel access point Parcel A to the west, which contains a Burke and Herbert Bank and Trust Company, and one direct access point to Franconia Road.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Commercial (Rush Companies & Hair Salon)	C-6	Retail & Other
South	Single family detached dwelling (Silver Spring subdivision)	R-3	Residential
East	Nursery School (Kindercare)	C-2	Office
West	Drive-in financial institution (Burke & Herbert Bank & Trust Co.)	C-6	Office

## BACKGROUND

### Site History:

The site is located within the Silver Spring subdivision. Records indicate that the existing single-family detached dwelling on Parcel 7 was constructed in 1940 and subsequently converted into a residential office.

## COMPREHENSIVE PLAN PROVISIONS (See Appendix 3)

**Plan Area:** Area IV, Rose Hill Planning District  
**Planning Sector:** RH4-Lehigh Community Planning Sector  
**Plan Map:** Office  
**Plan Text:**

In the Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Rose Hill Planning District, as amended through September 24, 2007, RH4-Lehigh Community Planning Sector, pages 65 and 66 state:

*Much of the rest of the sector is substantially developed in stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity and in accordance with the guidance provided by the Policy Plan....*

*32. No additional commercial development along Franconia Road is planned or recommended. Development on existing commercial land should provide extensive screening and buffering and be of a compatible scale in order to protect adjacent stable residential neighborhoods.*

35. *The parcel fronting on Franconia Road between Edison Drive and Gum Street (Tax Map 81-4((4)) A) is planned for office use up to .35 FAR. A maximum building height of 40 feet is recommended, and consolidation or coordination with the commercially-zoned parcel to the east to reduce access points on Franconia Road and ensure quality design should be provided.*

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Land Use section as amended through December 3, 2007, Appendix 5, Guidelines for drive-thru windows and other drive-thru facilities, page 99 states:

*Drive-thru windows for commercial establishments and other drive-thru facilities have the potential to cause on-site and off-site traffic circulation problems. To address these potential problems, drive-thru windows and other drive-thru facilities should be approved only if the size and configuration of the lot are adequate to achieve a safe drive-thru facility, parking circulation and pedestrian system. All activity generated by the use must be accommodated on the site. Noise, glare, and other nuisance aspects related to drive-thru facilities must not adversely affect adjacent properties.*

## ANALYSIS

### Special Exception Plat (Copy at front of staff report)

**Title of SE Plat:** Chevy Chase Bank; 5511 Franconia Road

**Prepared By:** Bohler Engineering

**Original and Revision Dates:** January 15, 2008 as revised through August 13, 2008

### Plat Description:

Chevy Chase Bank 5511 Franconia Road	
Sheet 1	Location Map, Legend, Sheet Index, Utility Contact Information
Sheet 2	Existing Conditions Plan and Existing Vegetation Map
Sheet 3	Site Plan, General Notes, Location Map
Sheet 4	Landscape Plan, Location Map
Sheet 5	Stormwater Management (SWM) Plan, SWM & Best Management Practices (BMP) Narrative, Outfall Analysis and Checklist, Location Map
Sheet 6	SWM Plan, Legend, General Notes, Location Map
Sheet 7	Lighting Plan, Notes, Location Map
Sheet 8	Building Elevations

The following features are depicted on the SE Plat:

- *Building:* The SE Plat shows a one-story, 25-foot tall brick building with a maximum of 3,300 SF of gross floor area (GFA). The building is approximately 92 feet by 40 feet in dimension, with the long side of the building parallel to Franconia Road. The building is sited in the center of the site. The site will have two entrances, one from Gum Street and one from the abutting property to the west (the Burke and Herbert Bank and Trust Company). There is a one-way driveway around the building and two drive-through lanes. The overall development would have an FAR of 0.11.
- *Right-of-Way Dedication:* The SE Plat depicts right-of-way dedication along both Franconia Road and Gum Street. The SE Plat depicts dedication of an additional five feet of right-of-way along Franconia Road for an on-road bike lane, creating a right-of-way width of 45 feet from centerline along that roadway frontage. The SE Plat also depicts a dedication strip along Gum Street, which would result in a width of 27.5 feet from centerline along that roadway frontage.
- *Drive-through Lanes:* A canopy is shown extending over the two proposed drive-through lanes on the south side of the building. Both lanes are proposed to have Automated Teller Machines (ATMs), though the applicant has indicated that these lanes could be served by tellers via video screens. A total of ten stacking spaces will be provided for these drive-through lanes.
- *Architecture:* Sheet 8 of the SE Plat shows a building with similar architecture on all four sides. A standing seam metal roof is proposed, with a columned pediment at either entrance (on the west and east sides of the building). The applicant has indicated that the building materials will be red brick with white painted trim. The pillars are at the pedestrian entrances to the building.
- *Building-mounted Signage:* Sheet 8 shows building mounted signage on three sides of the building (north, east and west); no signage is requested on the southern face of the building. The same sign is proposed along these three sides of the building, consisting of 18-inch high individually mounted letters of internally illuminated red plexiglas. Each sign would measure approximately 35 SF, for a total of approximately 105 SF of wall mounted signage.
- *Free-standing Signage:* Sheet 3 of the SE Plat shows a free-standing monument sign to be located on the corner of Franconia Road and Gum Street. The monument sign will be 3.625 feet high by 9 feet long (32.625 SF). It will sit on a 15-inch masonry base which will match the brick on the building. The sign will be internally illuminated and have a 9.25 inch high letter on a blue background stating "Chevy Chase Bank".

- *Access:* Access will be provided by a 24.4 foot-wide interparcel access easement to the adjacent parcel to the west [the Burke and Herbert Bank and Trust located on Tax Map 81-4 ((4)) A] and from a new entrance onto Gum Street. The direct access point to Franconia Road from Parcel 7 would be closed off. Vehicles will be able to access the site by right turns from the adjacent parcel and by either right or left turns from Gum Street. Vehicles will be able to turn right or left out of the property onto Gum Street or exit onto the adjacent parcel to the west via the existing interparcel access.
- *Parking:* The SE Plat shows a surface parking lot consisting of 18 spaces, which would be located throughout the site. Fourteen spaces are required. Five (5) parallel parking spaces are proposed along the Franconia Road frontage, five (5) diagonal spaces along the Gum Street frontage and eight (8) diagonal spaces to the rear of the property.
- *Trails, Sidewalks and Pedestrian Access:* The SE Plat shows a five-foot wide sidewalk transitioning to an existing four-foot wide sidewalk along the Franconia Road frontage, and a five-foot wide sidewalk along Gum Street. A crosswalk is shown across the parking area to the east, giving access to the building from the sidewalk.
- *Transitional Screening and Barrier:* A transitional screening strip 21 feet in width is shown along the southern boundary of the site with a seven (7) foot high masonry wall between the proposed use and the adjacent residential parcel to the south. The transitional screening consists of a 16-foot wide unbroken strip between the adjacent residential use and the masonry wall, and a five-foot wide landscaping strip on the other side of the wall facing the rear of the proposed drive-in bank. The 16-foot wide landscaping strip would be planted with large deciduous trees, medium and large sized evergreen trees, and evergreen shrubs. The five-foot wide landscaping strip between the masonry wall would be planted with one large deciduous tree, six medium sized evergreen trees, and 26 evergreen shrubs.
- *Landscaping:* The majority of the existing vegetation will be removed from the site. Landscaping will be provided along Gum Street and Franconia Road street frontages including deciduous trees (three trees on Gum Street and four trees on Franconia Road) 2.5" to 3.5 inches in size planted at 40 feet on center. The SE Plat also shows some ornamental landscaping will be provided along the northern side of the proposed building.
- *Stormwater Management/ Best Management Practices:* There are no Resource Protection Areas (RPAs) or floodplains on the site. The stormwater management (SWM) and water quality controls will be handled by the construction of an underground detention system (UDS) under a portion of the parking lot and by incorporating two tree box filters.

## **Land Use Analysis (Appendix 4)**

### **Issue: Buffering**

The Comprehensive Plan guidance for this area indicates that parcels fronting on Franconia Road between Edison Drive and Gum Street [Tax Map 81-4 ((4)) A] is planned for office use up to 0.35 FAR. The Plan recommends that the building height should not exceed forty (40) feet and that there should be consolidation or coordination with the commercially-zoned parcel to the east, reduced access points along Franconia Road and quality design. The proposed 3,300 SF building at 0.11 FAR is consistent with the basic planned use for this site and the architecture is also generally compatible with the surrounding land uses. However, the drive-through lanes proposed to the rear of the building, the site design, the hours of operation and the intensity of the use all raise concerns about the proposed use's compatibility with the adjacent neighborhood.

In the Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Rose Hill Planning District, as amended through September 24, 2007, RH4-Lehigh Community Planning Sector, pages 65, provides general guidance for this area which states, under item number 32, the need for "extensive screening and buffering" on commercial land to protect adjacent stable residential neighborhoods. The location of the drive-through lanes with two ATMs operating 24 hours a day, seven days a week with limited screening and buffering adjacent to the residential use to the south, as well as the lengthy hours of operation of the bank from 6:00 a.m. to 10:00 p.m. Monday through Saturday, raises concerns as the proposed commercial use could generate noise, glare and other nuisance aspects for the existing residence. The Policy Plan also states that drive-through commercial facilities "should be approved only if the size and the configuration of the lot are adequate."

The Zoning Ordinance requires 50 feet of transitional screening between the proposed use and single-family detached dwellings. The Plan's language regarding extensive screening and buffering would suggest that screening above and beyond the Zoning Ordinance requirement would be necessary. Initially, the applicant requested a two-thirds reduction with the provision of a seven-foot high masonry wall. However, in light of the Comprehensive Plan language, staff suggested that at a minimum, the provision of 25 feet of landscaping and a seven-foot high masonry wall could be considered. In order to provide additional screening along the southern property line, staff recommended that the applicant eliminate or relocate the proposed parallel parking spaces along the site's Franconia Road frontage. Given the small size of the site and the Comprehensive Plan's emphasis on the provision of buffering for the abutting residences, staff noted that the applicant should not expect additional parking at the expense of screening for the single-family detached residence to the south.

**Resolution:**

The applicant revised the site layout to provide a 21-foot wide landscaping strip and a seven-foot high masonry wall along the southern property line. This proposal is unacceptable to staff. First, staff feels that given the Comprehensive Plan's 25 feet of landscaping is a compromise in itself and believes that a greater distance is needed to mitigate the adverse impacts on the adjacent residential neighborhood. Second, a 21-foot wide strip of landscaping is provided between the proposed parking lot and the abutting single-family detached dwelling, only 16 feet of landscaping will be provided between this property and the proposed wall; the other five-feet of landscaping will be used to screen the view of the wall from the bank, thus providing no benefit to the abutting homeowner. Finally, staff believes that the applicant should provide more transitional screening, as recommended by the Plan, to the south if the applicant would reduce the amount of parking spaces provided as described above. Without additional transitional screening between the proposed wall and the abutting residence, staff believes that this proposal does not conform to the Comprehensive Plan and therefore, recommends that this application be denied.

**Issue: Hours of Operation**

According to the applicant's statement of justification, the proposed hours of operation for the financial institution would not to exceed 6:00 a.m. to 10:00 p.m., Monday through Saturday, with the proposed ATMs would operate 24 hours a day, seven days a week. Given the proximity of the abutting single-family detached residence and the Plan language regarding protecting abutting residential properties from commercial uses, staff believes that these hours are excessive and should be curtailed.

**Resolution:**

Staff recommends a development condition that would limit bank hours to 9:00 a.m. to 8:00 p.m., Monday through Saturday, to be more in character with the single-family residential subdivision to the south. With the implementation of this development condition, this issue is resolved.

**Environmental Analysis (Appendix 5)****Issue: Green Building**

The Policy Plan recommends that new developments attain the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) certification through the U.S. Green Building Council.

**Resolution:**

The applicant has agreed to obtain LEED certification. Staff has proposed a development condition detailing the requirements for obtaining this certification, including: retaining a LEED Accredited Professional as part of the project's design and construction team; execution of a "green building escrow"; providing a specific listing of credits applicable to this project through the current rating system; and obtaining certification at the time of site plan and building plan review to confirm that the credits will meet at least the minimum number of points required to attain LEED certification. As such, staff believes that this issue is resolved.

**Countywide Trails Plan**

The Countywide Trails Plan requires an eight-foot wide, Type I (asphalt) trail within a 12-foot wide trail easement or a ten-foot wide, Type I (asphalt) trail within the VDOT right-of-way. The applicant is requesting a waiver of the trail requirement and is proposing to replace the existing sidewalk with a five-foot wide concrete sidewalk. This waiver is further discussed under the waivers and modifications section of this report.

**Urban Forest Management Analysis (Appendix 6)**

Approximately two-thirds of the property is covered with moderately dense deciduous vegetation. The SE Plat indicates that all of the existing vegetation will be cleared to construct the proposed financial institution. UFMD notes that generally the forest composition is of fair to poor quality. While some of the existing vegetation is in fair condition, its location on the site (in the center) makes it almost impossible to preserve. The existing vegetation will be replaced with vegetation in the form of new landscape plantings to exceed the required tree cover by 14.6%. However, as previously noted, staff does not believe that the proposed transitional screening to the abutting single-family detached residence to the south is sufficient.

**Transportation Analysis (Appendix 7)****Issue: Pedestrian Circulation**

The SE Plat depicts a proposed crosswalk on the east side of the site for pedestrian entering the site from Gum Street and for drivers walking from the parking spaces along the eastern property line into the bank. However, no such crosswalk is provided to the bank from the parking spaces along the northern and southern property or the sidewalk along Franconia Road. In staff's opinion, the lack of painted crosswalks will create a conflict with the vehicular traffic within the site. Since it is very unlikely that patrons would attempt to walk around the periphery of the site from the north and south to use the proposed crosswalk located on the east side of the site, staff recommends that a painted crosswalk be provided from the parking at the rear of the property so that vehicles using the drive-in facility are aware that pedestrians will be crossing in that area.

**Resolution:**

With the implementation of the staff-proposed development condition requiring the provision of two painted crosswalks linking the parking spaces and the financial institution be provided, this issue is resolved.

**Issue: On-Road Bike Lane along Franconia Road**

A five-foot wide bike lane is planned along Franconia Road. As such, a minimum of 45 feet from centerline is required along that frontage to accommodate this bike lane.

**Resolution:**

The applicant has provided right-of-way dedication so that there would be the required 45 feet of right-of-way from centerline along the Franconia Road frontage, which will accommodate the required bike lane. Also, the applicant has shown the sidewalk along the frontage such that the bike lane can be accommodated without requiring future realignment of the sidewalk. While the applicant has not agreed to construct the bike lane, the applicant has agreed to escrow the funds required for such construction and related expenses. With implementation of the proposed development condition requiring this escrow for the bike lane, staff feels that this issue is resolved.

**Stormwater Management Analysis (Appendix 8)****Issue: Stormwater Management/Adequate Outfall**

The property falls just within the southern edge of the Cameron Run Watershed as well as with the County's Chesapeake Bay Preservation Area. The applicant proposes to meet water quantity control requirements through the use of an underground detention system (UDS) comprised of four-foot diameter pipes.

However, the Public Facilities Manual (PFM) requires that six-foot diameter pipes be used with this system in order to facilitate maintenance. DPWES has stated that it would not favorably consider a request to modify the requirement to allow the proposed diameter.

The applicant proposes to address the water quality control requirements by the use of two tree box filters that according to the applicant will achieve a 40% phosphorous removal. DPWES has determined that the two tree box filters are insufficient to remove the required phosphorous level. DPWES further notes that there is also a drainage complaint on file for this site related to standing water in the vicinity of the property. For that reason, the applicant must provide larger diameter pipes for the underground detention facility and provide additional BMP facilities to achieve the required level of phosphorous removal. The water quality BMPs proposed by the applicant must be privately maintained and a private maintenance agreement will be required prior to site plan approval.

**Resolution:**

These issues remain unresolved.

**Park Authority Analysis** (Appendix 9)

There are no adverse impacts of this proposal on land or resources of the Park Authority.

**Sanitary Sewer Analysis** (Appendix 10)

The property is located in the Cameron Run Watershed and would be sewered into the Alexandria Sanitation Authority. According to DPWES, the sewer systems surrounding the application property have sufficient capacity to accommodate this proposal.

**ZONING ORDINANCE PROVISIONS** (See Appendix 11)

<b>Bulk Standards (C-2,HC)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	20,000 SF	30,474 SF
Lot Width	100 feet	175 feet
Front Yard	30 degree angle bulk plane; 25 feet minimum	45 feet (Franconia Road), 53 feet (Gum Street)
Side Yard (West)	No requirement	31 feet
Rear Yard	25 feet	66 feet
Building Height	40 feet	25 feet

<b>Bulk Standards (C-2,HC)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
FAR	.50	.11
Open Space	30%	31%
Tree Cover	10%	24.6%
Parking Spaces	14	18
Stacking Spaces	10	10
Loading Spaces	1	None (waiver requested)
<b>Transitional Screening and Barrier</b>		
South (single family detached residence)	TS 3 (50 feet wide landscaping strip), Barrier D, E or F	Modification of transitional screening requirement requested to permit 21-foot wide landscaping strip with 7-foot high masonry wall
East (child care center)	Barrier D, E or F	Waiver requested
<b><i>No transitional screening or barriers are required to the north and west.</i></b>		

### **Waivers/Modifications**

- o *Modification to the transitional screening requirement to the south, in favor of that shown on the SE Plat*

The applicant is proposing to provide a screening area of 21 feet along the southern property line, with 16.6 feet of landscaping between the proposed seven (7) foot high solid masonry wall and the single-family detached residence and 4.4 feet of landscaping between the wall and the proposed financial institution. The required transitional screening between a drive-in financial institution and a single-family detached dwelling is a 50 foot wide strip of landscaping. According to the applicant's statement of justification, the proposed hours of operation for the financial institution are expected not to exceed 6:00 a.m. to 10:00 p.m., Monday through Saturday. The proposed ATMs would operate 24 hours a day, seven days a week. It is estimated that there will be 135 patrons at the financial institution each day. Staff does not support the applicant's request for a waiver of transitional screening along the southern boundary, given that the Comprehensive Plan emphasizes the provision of extensive screening and buffering for this sector. Given the proposed level of activity of the financial institution and the nature and location of the drive-through lanes in close proximity to the residential use, staff recommends that at a minimum, a 25-foot wide densely planted buffer with a seven (7) foot high solid masonry wall be provided. As currently proposed, staff does not support the requested modification.

- *Waiver of barrier requirement to the east, in favor of that shown on the SE Plat*

The applicant is proposing to provide landscaping along the Gum Street frontage in lieu of the required barrier. A ten-foot wide landscape strip with three October Glory Red Maple trees and some shrubbery is proposed between the parking spaces and the sidewalk. Par. 5 of Sect. 13-304 of the Zoning Ordinance states that transitional screening and barrier requirements may be waived or modified where the adjoining land in the adopted Comprehensive Plan is designated for a use (office) which would not require transitional screening between the land under site plan and the adjoining property. In addition, Par. 6 of Sect. 13-304 states that transitional screening and barrier requirements may be waived or modified where the adjacent property is zoned (C-2) to allow a use similar to that of the parcel under site plan. Staff supports this request waiver as the adjacent use is a nursery school and the parcel is zoned for commercial use.

- *Waiver of loading space requirement*

Per Section 11-203 of the Zoning Ordinance, financial institutions are required to have one (1) loading space for the 3,300 SF building. The applicant notes that, a financial institution has a limited need to accommodate large deliveries or other receiving functions. Par. 3 of Sect. 11-202 permits the number of loading spaces to be waived or modified if; other space is available on the site for such a purpose, due a change in the nature of the use or a reduction in the size of the use, or for an existing structure or for an accessibility improvement. Given the excess parking lot spaces provided, the applicant believes that all deliveries can be accommodated without a loading space. Staff has no objection to this waiver request. However, as noted, staff does recommend that the applicant reduce the number of required parking spaces in order to provide a minimum of 25 feet of landscaping between the abutting single-family detached residence to the south and the proposed seven-foot high masonry wall.

- *Waiver of trail requirement*

The applicant proposes to upgrade the existing four-foot wide concrete sidewalk along Franconia Road with a five-foot wide concrete sidewalk in lieu of an eight-foot wide, Type 1 (asphalt) trail within a 12-foot wide trail easement or a ten-foot wide, Type I (asphalt) trail within the VDOT right-of-way. The applicant notes that the property only has a depth of 150 feet from Franconia Road, and that an additional requirement for an eight- to ten-foot wide asphalt trail would reduce the buildable area of the property and make it impracticable for such a use. A four-foot wide concrete sidewalk runs along Franconia Road in front of the adjacent parcel to the west (Burke and Herbert Bank and Trust Company) and also in front of the parcel to the east (KinderCare Learning Center) across Gum Street. The Lee District Sidewalk and Trails Committee recommended that the Planning Division grant the applicant's waiver request. Staff believes that the proposed five-foot wide sidewalk coupled with the on road bike lane will be adequate to serve pedestrians and cyclists; therefore, staff supports this requested waiver.

**OTHER ZONING ORDINANCE REQUIREMENTS:****Special Exception Requirements (See Appendix 11)**

General Special Exception Standards (9-006)

Category 5 Standards (9-503)

Additional Standards for Drive in Financial Institutions (9-611)

Highway Corridor Overlay District (7-608)

Waiver of Certain Sign Regulations (9-620)

**General Standards (Sect. 9-006)**

***Paragraph 1*** requires that the proposed use be in harmony with the Comprehensive Plan. As described in the Land Use Analysis section, staff has concluded that the proposed financial institution with two drive-through lanes is not in harmony with the land use recommendations of the Comprehensive Plan. While the proposed 3,300 square foot building at 0.11 FAR is consistent with the basic planned use for this site and the architecture is also generally compatible with the surrounding land uses, the drive-through lanes proposed to the rear of the building, the site design, the hours of operation and the intensity of the use raises concerns about the proposed use's compatibility with the adjacent neighborhood. Therefore, this standard has not been met.

***Paragraph 2*** requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. In staff's opinion, the drive-in financial institution is consistent with the purpose of the C-2 District, which is to provide areas where predominantly non-retail commercial uses may be located such as office and financial institutions. The C-2 District also allows for uses which can be employed as transitional land uses between higher intensity uses and residential uses. Staff is satisfied this standard has been met. However, as noted above, staff believes that additional transitional screening is needed along the southern property line to buffer the abutting residence.

***Paragraph 3*** requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. It further states that 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. As discussed previously in this report, staff finds that the proposed use would adversely affect the neighboring residential use to the south due to the close proximity of the drive-through lanes to the residential use and the proposed level of activity of the bank. The applicant has requested a waiver of the 50-foot wide transitional screening required along the southern boundary, and is proposing to provide a 21-foot wide transitional screening with a seven-foot high solid masonry wall. Staff does not believe that this proposal provides sufficient screening between the financial institution and the single family detached

dwelling to mitigate any impacts on the abutting properties; therefore, this standard is not satisfied.

**Paragraph 4** states that 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 pedestrian and vehicular traffic could be hazardous and conflict with anticipated traffic on the northern and southern ends of the site due to the parking spaces located in those areas. The applicant has not provided any crosswalks leading from the parking spaces on the northern and southern ends of the site into the financial institution. Since it is very unlikely that patrons would attempt to walk around the periphery of the site from the north and south to use the proposed crosswalk located on the east side of the site, staff recommends that a painted crosswalk be provided from the parking at the rear of the property so cars using the drive-in facility would be aware that pedestrians will be crossing in that area.

**Paragraph 5** states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. An unbroken 50-foot wide strip of transitional screening is required along the southern boundary and a barrier (6 feet in height) is required along the eastern boundary of the site. The applicant has requested a modification of the transitional screening requirement in lieu of a 21-foot wide strip of transitional screening with a seven-foot high solid masonry wall along the southern boundary. The wall is located at 16 feet from the adjacent residential use leaving a five-foot wide strip facing the proposed drive-in bank that benefits the bank and not the existing residential neighborhood. While staff has no issue with the proposed waiver of the barrier to the east, staff is recommending at a minimum, a 25-foot wide densely planted buffer with a seven-foot high solid masonry wall along the southern boundary to provide sufficient buffering for the existing residence. Therefore, staff finds that this standard has not been satisfied.

**Paragraph 6** states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. As noted previously in the Bulk Standards chart, the proposal exceeds the minimum open space requirement of 10 percent required in the C-2 District (35% is provided). Therefore, staff finds that this standard has been met.

**Paragraph 7** states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. As previously noted the Public Facilities Manual (PFM) requires that six-foot diameter pipes be used with proposed underground detention system in order to facilitate maintenance. As stated earlier, DPWES would not favorably consider a request to modify the requirement to allow the proposed diameter. The applicant proposes to address the water quality control requirements by the use of two tree box filters that according to the applicant will achieve a 40% phosphorous removal. DPWES has determined that the two tree box filters are insufficient to remove the required phosphorous level.

The provided number of parking spaces exceeds the minimum required by the Zoning Ordinance and as stated earlier, staff believes that these additional parking spaces are being provided to the detriment of screening to the abutting single-family detached residence. A total of ten stacking spaces will be provided for the two proposed drive-through lanes, which meets the Zoning Ordinance requirement. The applicant has requested a waiver of the required loading space for this financial institution. As discussed above, staff has no issue with this waiver.

*Paragraph 8 states that 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's request for additional building-mounted signage is discussed below as a waiver of certain sign regulations. Staff supports this waiver.

#### Category 5 Standards (Sect. 9-503)

The Category 5 Standards require that the proposed development meet lot size and bulk regulations for the Zoning District, comply with performance standards and be subject to site plan review. The application meets this standard.

#### Provisions for Approving Drive-in Financial Institutions, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Station/Mini-Marts in a Highway Corridor Overlay District (Sect. 9-611)

This provision states that the Board may approve a special exception for the establishment or for the enlargement, extension, relocation or increase in intensity of a drive-in financial institution in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.

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

Paragraph 1A requires that a use be designed so that pedestrian and vehicular circulation is coordinated with the adjacent properties. Vehicular access to the site is provided along the eastern boundary from Gum Street. In addition, the applicant is providing an interparcel access easement to the western adjacent lot to the site. However, as previously discussed the pedestrian and vehicular traffic could be hazardous and conflict with anticipated traffic on the northern and southern ends of the site due to parking spaces being proposed in those areas without any crosswalks into the financial institution. As such, staff believes that this standard has not been satisfied.

Paragraph 1B requires that such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. The SE Plat depicts access to the site via Gum Street and interparcel access from the adjacent lot to the west. No access is provided from Franconia Road. Therefore, staff believes that this application will not impede traffic on Franconia Road or Gum Street and this standard is satisfied.

Paragraph 1C requires that there be no outdoor storage or display of goods offered for sale. Par. 3 of Sect. 9-505 of the Zoning Ordinance prohibits the outdoor storage or display of goods offered for sale for the drive-in financial institution use; therefore this standard is satisfied.

Additional Standards for a Waiver of Certain Sign Regulations (Sect. 9-620)

Paragraph 1 states that a waiver may be requested for an increase in sign area, but may not allow the erection of a freestanding sign not otherwise permitted. This request seeks an increase in building mounted sign area from 60 square feet to 105 square feet on the building and to construct a freestanding sign. Therefore, this standard is satisfied.

Paragraph 2 requires the applicant to demonstrate that there are unusual circumstances or conditions, which may include unusual size or orientation of the structure on the lot, which impacts the ability to provide for reasonable identification of the use. Paragraph 8 of Section 12-203 allows for one and one-half (1 1/2) square feet of sign area for each of the first 100 linear feet of building frontage. The building frontage is defined by the front door, which in this case, is located on the narrow end of the building (facing Gum Street). Therefore, under the proposed layout, only 60 SF of signage is allowed by the Ordinance (40 linear feet of building frontage x 1.5 square feet). However, if the front door was located along Franconia Road (the longer side of the building), 138 SF of signage would be allowed. The applicant believes that the additional signage of 45 SF is necessary because of the orientation and design of the building. The application is requesting three façade signs on the building for a total of 105 SF which is less than would be allowed if the front door was located on the longer side of the building. In staff's opinion, the design and orientation of the building qualify as an "unusual circumstance" under this standard, and the requested wall-mounted signage is not excessive for this site.

Paragraph 3 requires that a waiver be in harmony with the policies of the Comprehensive Plan. The Comprehensive Plan notes that "signage should be incorporated within the entry door." Staff notes that while the applicant is proposing two signs (at an approximate total of 70 SF) at the entrances and one sign on a side without an entrance (that side facing Franconia Road). All of these signs would be illuminated. Because two of the three signs are over entry doors, staff believes that the waiver is in harmony with the policies of the Comprehensive Plan.

Paragraph 4 requires that the signage will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12. The proposed signage would be facing existing commercial uses and not the existing residence to the south. This standard has been met.

### **Summary of Zoning Ordinance Provisions**

All applicable standards have been satisfied with the proposed development conditions.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The Comprehensive Plan guidance for this site notes the need for “extensive screening and buffering” on commercial land to protect adjacent stable residential neighborhoods. Furthermore, the Policy Plan states that drive-through commercial facilities “should be approved only if the size and the configuration of the lot are adequate.” In staff’s opinion, the proposed financial institution with two drive-through lanes raises does not conform with the Plan. Though the required transitional screening between the proposed use and the abutting single-family detached dwelling, located to the south, is 50 feet, the applicant is only proposing 21 feet of landscaping (and 4.4 feet of that landscaping will not be visible to the single-family detached residence), which staff does not believe satisfies the Plan’s recommendation for extensive screening and buffering. In addition, the proposed site layout would locate two proposed drive-through lanes, with extensive hours of operation, in the southern portion of the site abutting the residences, which staff believes could result in noise, glare and other nuisance aspects for the existing residence. Therefore, staff believes that this proposal is incompatible with the abutting residential neighborhood.

### **Recommendations**

Staff recommends that SE 2008-LE-013 be denied; however, if it is the intent of the Board of Supervisors to approve SE 2008-LE-013, staff recommends that the approval be subject to the draft development conditions contained in Appendix 1 of the staff report.

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 applicants/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. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Comprehensive Plan Citations
5. Land Use Analysis and Environmental Analysis
6. Urban Forest Management Analysis
7. Transportation Analysis
8. Stormwater Management/Best Management Practices Analysis
9. Park Authority Analysis
10. Sanitary Sewer Analysis
11. Zoning Ordinance Provisions
12. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS****SE 2008-LE-013****September 10, 2008**

If it is the intent of the Board of Supervisors to approve SE 2008-LE-013 located at 5511 and 5515 Franconia Road [Tax Map 81-4 ((4)) 6 and 7] for a drive-in financial institution and waiver of certain sign regulations pursuant to 7-607 and 9-620 of the Fairfax County Zoning Ordinance, then 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, as qualified by these development conditions. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
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 "Chevy Chase Bank, 5511 Franconia Road" consisting of eight sheets, prepared by Bohler Engineering and dated January 15, 2008, as revised though August 13, 2008. 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. Materials shall be brick, synthetic stucco entablature and pediments, painted columns and trim as shown on the elevations in the SE Plat.
5. The two drive-in lanes shown on the SE Plat shall have a maximum of two ATM facilities.
6. The total amount of building-mounted signage shall be limited to a maximum of 105 square feet (SF) and shall be in substantial conformance with that shown on the elevations. No more than one sign, 35 SF in size, shall be permitted on each side of the proposed building and no sign shall be permitted on the southern side of the building. These signs shall consist of individual letters of internally illuminated red plastic. The free-standing sign shall be in conformance with Article 12 of the Zoning Ordinance.

7. A landscape plan shall be submitted concurrent with each site plan submission and shall provide for the number and size of trees and plantings consistent with that shown on the SE Plat and the additional requirements of these conditions. Trees planted along Franconia Road and Gum Street, in the area near the existing overhead power lines, shall be chosen and planted such that these utility lines will not interfere with the viability and aesthetics of the trees. If smaller trees are required in that area, tree cover requirements shall be met with the smaller trees or with trees elsewhere onsite. The landscape plan shall be subject to the review and approval of Urban Forest Management (UFM).
8. 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.
9. At the time of site plan approval, or on demand (whichever occurs first) right-of-way for future improvements along Franconia Road and Gum Street, as shown on the SE Plat shall be dedicated to the Board of Supervisors in fee simple at no cost as shown on the SE Plat.
10. Prior to site plan approval, an interparcel access easement shall be recorded, as depicted on the SE Plat, to access the parcel to the west [Tax Map Parcel 81-4 ((4)) A].
11. A stormwater management and/or best management practices (SWM/BMP) facility, which may include the construction of an underground detention system (UDS) and filterra, shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES. Any required PFM modification shall be requested at the time of site plan to permit the reduction in size of the underground detention facility. If a modification of the PFM to permit the proposed stormwater management and/or best management practices as shown on the SE Plat is not granted by DPWES and SWM/BMP facilities in substantial conformance with the SE Plat cannot be provided, then a Special Exception Amendment (SEA) shall be filed to provide water quantity and/or quality control measures in accordance with the Public Facilities Manual (PFM) as determined by DPWES.
12. The hours of operation shall not exceed 9:00 am to 8:00 pm Monday through Saturday; however, ATMs may operate 24 hours a day, seven days a week.
13. In addition to the crosswalks shown on the SE Plat, a painted crosswalk shall be provided linking the parking spaces along the southern property line to the entrance of the financial institution. In addition, a second painted crosswalk shall be provided linking the parking spaces and the sidewalk to the entrance of the financial institution.
14. Prior to site plan approval, funds shall be escrowed for the future construction, by others, of the on-road bike lane along the site's Franconia Road frontage.

15. Registration with the United States Green Building Council (USGBC) shall be completed by the applicant and LEED (Leadership in Energy and Environmental Design) certification shall be applied for by the applicant.
16. A LEED<sup>®</sup>-accredited professional shall be included as a member of the design team. This professional will also be a professional engineer or architect licensed to practice in the Commonwealth of Virginia. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovative technologies into the project so that the project will attain LEED certification. At the time of site plan submission, documentation shall be provided by the applicant to the Environment and Development Review Branch of the Department of Planning and Zoning (DPZ) demonstrating compliance with the commitment to engage such a professional.
17. Prior to approval of the site plan for this building, a separate agreement shall be provided for this building, a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the PFM, in the amount of \$93,000. This escrow shall be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED<sup>®</sup>-NC) rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the building has attained LEED certification shall be sufficient to satisfy this commitment. The provision to the Environment and Development Review Branch of DPZ, within one year of issuance of the Non-Residential Use Permit (Non-RUP) for the building, of documentation from the U.S. Green Building Council that the building has attained LEED certification shall be sufficient to satisfy this commitment.

If documentation is provided by the applicant to the Environment and Development Review Branch of DPZ, within one year of issuance of the Non-RUP for the building, which demonstrates that LEED certification for the building has not been attained but that the building has been determined by the U.S. Green Building Council to fall within three points of attainment of LEED certification, 50% of the escrow shall be released to the applicant; the other 50% shall be released to Fairfax County and shall be posted to a fund within the county budget supporting implementation of county environmental initiatives.

Within one year of issuance of the Non-RUP for the building, if documentation fails to be provided by the applicant to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification or demonstrating that the building has fallen short of certification by three points or less, the entirety of the escrow for that building shall be released to Fairfax County and shall be posted to a fund within the county budget supporting implementation of county environmental initiatives.

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.

The approval of this special exception does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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 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.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: August 18, 2008  
(enter date affidavit is notarized)

I, Robert F. Flinn, attorney, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)       applicant  
                          applicant's authorized agent listed in Par. 1(a) below      99872a

in Application No.(s): SE 2008-LE-013  
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE\***, each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
• Chevy Chase Bank, F.S.B.	7501 Wisconsin Avenue, Bethesda, MD 20814	Applicant/Title Owner
J. Page Lansdale	7501 Wisconsin Avenue, Bethesda, MD 20814	Agent for Applicant
Joseph B. Pearson	7501 Wisconsin Avenue, Bethesda, MD 20814	Agent for Applicant
• Flinn & Beagan	8300 Boone Blvd., Suite 225, Vienna, VA 22182	Attorney/Agent for Applicant
Robert F. Flinn	8300 Boone Blvd., Suite 225, Vienna, VA 22182	Attorney/Agent for Applicant

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: August 18, 2008
(enter date affidavit is notarized)

99872 a

for Application No. (s): SE 2008-LE-013
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\* of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

CHEVY CHASE BANK, F.S.B.
7501 WISCONSIN AVENUE
BETHESDA, MARYLAND 20814

DESCRIPTION OF CORPORATION: (check one statement)

- [x] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

- B.F. Saul Real Estate Investment Trust
Derwood Investment Corporation
B.F. Saul Profit Sharing & Retirement Trust

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: August 18, 2008  
(enter date affidavit is notarized)  
SE 2008-LE-013

99872a

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

B.F. Saul Profit Sharing and Retirement Trust  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

The beneficiaries are all participants in a qualified retirement and pension plan.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Derwood Investment Corporation  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Westminster Investing Corporation

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: August 18, 2008  
(enter date affidavit is notarized)  
SE 2008-LE-013

99872a

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

B.F. Saul Real Estate Investment Trust  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

B.F. Saul Company	Columbia Securities Company of
Franklin Development Co., Inc.	Washington, D.C.
Westminster Investing Corporation	The Klinge Corporation
Derwood Investment Corporation	
Somerset Investment Corporation	

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: August 18, 2008  
(enter date affidavit is notarized)  
SE 2008-LE-013

09872a

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Westminster Investing Corporation  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Chevy Chase Property Company

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

B.F. Saul Company  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

B. Frances Saul, II

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: August 18, 2008  
(enter date affidavit is notarized)  
SE 2008-LE-013

99872a

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Chevy Chase Property Company  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

B. Francis Saul, II	Andrew Saul, II and Elizabeth Saul	American Security & Trust Co.
George M. Rogers, Jr.	Frank W. Metzbower, Jr.	David A.E.R. Peake
Donald P. Lines	American Security Bank, Trustee for	
David A.E.R. Peake and John D. Campbell,	Patricia E. Saul, Sharon E. Saul, and	
Trustees for B. Francis Saul, III	Elizabeth Saul	

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

American Security and Trust Co.  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Bank of America

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: August 18, 2008  
(enter date affidavit is notarized)  
SE 2008-LE-013

99872a

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

American Security Bank  
1501 Pennsylvania Avenue, N.W.  
Washington, D.C. 20005

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Bank of America

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Bank of America  
8300 Greensboro Drive, #13  
McLean, Virginia 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: August 18, 2008  
(enter date affidavit is notarized)  
SE 2008-LE-013

99872 a

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Franklin Development Co., Inc.  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Ruth Saul Poljeuka  
Teresa G. Lyons  
Estate of Rose Saul Zalles

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: August 18, 2008  
(enter date affidavit is notarized)  
SE 2008-LE-013

99872a

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Somerset Investment Corporation  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Westminster Investing Corporation

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

The Klinge Corporation  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Estate of Rose Zalles  
Teresa G. Lyons  
B. Francis Saul II and Security Bank Co.,  
Trustees for Ruth S. Poljeuka  
B.F. Saul Company

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: August 18, 2008  
(enter date affidavit is notarized)  
SE 2008-LE-013

99872a

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Columbia Securities Company of Washington, D.C.  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Estate of Rose Zalles  
Teresa G. Lyons  
B. Francis Saul II  
B. Francis Saul II and Security Bank,  
Trustees for Rush S. Poljeuka

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Security Bank Co.  
1501 Pennsylvania Avenue, N.W.  
Washington, D.C. 20005

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

American Security Bank

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: August 18, 2008
(enter date affidavit is notarized)

99872a

for Application No. (s): SE 2008-LE-013
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
FLINN & BEAGAN
8300 BOONE BOULEVARD, SUITE 225
VIENNA, VIRGINIA 22182

(check if applicable) [X] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

Table with 3 columns: Name, Address, Title. Rows include Robert F. Flinn, Robert J. Beagan, and Mathew D. Ravencraft, all listed as General Partners at 8300 Boone Boulevard, Suite 225, Vienna, Virginia 22182.

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: August 18, 2008  
(enter date affidavit is notarized)

99872a

for Application No. (s): SE 2008-LE-013  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land:

[✓] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE.

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SE 2008-LE-013  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: August 18, 2008  
(enter date affidavit is notarized)

99872

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

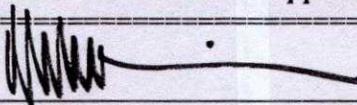
B. Francis Saul III donated more than \$100 to the Connolly for Congress campaign.  
Bank of America Political Action Committee donated more than \$100 to the Connolly for Chairman campaign.

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable)  There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

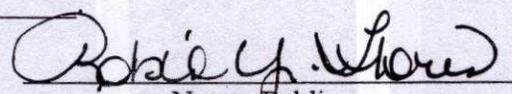
WITNESS the following signature:



(check one)  Applicant  Applicant's Authorized Agent

ROBERT F. FLINN, attorney  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 18th day of August 2008, in the State/Comm. of Virginia, County/City of Fairfax

  
Notary Public  
Registration No. 286363

My commission expires: November 30, 2008

FLINN & BEAGAN  
ATTORNEYS AT LAW  
SUITE 225  
8300 BOONE BOULEVARD  
VIENNA, VIRGINIA 22182-2630

ROBERT F. FLINN  
rflinn@flinnandbeagan.com

(703) 448-6800  
FAX (703) 448-0249

RECEIVED  
Department of Planning & Zoning  
AUG 15 2008  
Zoning Evaluation Division

www.flinnandbeagan.com

August 15, 2008

**HAND-DELIVERED**

Kelli-Mae Goddard-Sobers, Planner  
Zoning Evaluation Division, Suite 800  
12055 Government Center Parkway  
Fairfax, Virginia 22035

Re: Application for Special Exception for Drive-in Bank  
Chevy Chase Bank  
Tax Map Reference No. 081-4-04-6 & 7  
5511 and 5515 Franconia Road

Dear Kelli:

Enclosed are ten copies of a revised Special Exception Plat together with one 8½ inch x 11 inch reduction of the revised Plat. As discussed, the revised Special Exception Plat reflects an increase in the amount of dedicated right-of-way along the property's Gum Street frontage from 26 feet from center line to 27.5 feet from center line. This change was made at the request of Alan Kessler of Fairfax DOT, and the change has been coordinated with Noreen Maloney of VDOT.

As discussed, the staff has only one remaining concern about this application, namely, whether the applicant's proposed transitional screening yard along the southern boundary should be 21-feet as proposed by the applicant or 25-feet as preferred by the staff. Please accept the following as brief summary of why the proposed 21-foot transitional screening yard should be accepted.

**Satisfaction of Ordinance Criteria.** The enclosed revised Special Exception Plat continues to reflect a modification to the 50-foot transitional screening requirement along the southern boundary to allow a 21-foot screening yard in accordance with Section 13-304 of the Zoning Ordinance. Section 13-304(4) of the zoning ordinance allows the required 50-foot transitional

Kelli-Mae Goddard-Sobers, Planner  
August 15, 2008  
Page 2

screening yard to be reduced by two-thirds to 16.66-feet where the developer chooses to construct a 7-foot brick wall, just as the applicant is proposing in this case. Additionally, Sections 13-304(2) and (3) of the zoning ordinance allow the required 50-foot transitional screening yard to be reduced when the strict application of the screening requirements would reduce the usable area of the property to a size which would preclude a reasonable use and where the proposed landscaping is specifically designed to minimize any adverse impacts. Both of these circumstances apply in this case.

**Previously Approved Modifications for Adjacent and Nearby Properties.** On March 18, 1991, a transitional screening yard of 25 feet with only a 7-foot wooden fence was approved for the adjacent Burke & Herbert bank as part of the approval of its special exception application (SE 90-L-010). Likewise, on March 24, 1997 a 15-foot transitional screening yard with a only 7-foot wooden fence was approved for the nearby Christian Ministry School as part of its special exception application (SEA 86-L-008-2), and on November 24, 1980 an 8 to 15-foot transitional screening yard and 7-foot cinder block wall was approved for the adjacent KinderCare facility (RZ-79-L-146).

**Effectiveness of Applicant's Proposed Screening Yard.** The 21-foot transitional screening yard and 7-foot brick wall proposed by the applicant is much more substantial, effective and attractive than any of the previously approved transitional screening yards described above. Also, unlike the board fences and cinder block wall in the previously approved cases, the applicant is proposing a brick wall with a precast concrete cap which will match the brick and concrete of the proposed bank building. I am enclosing an architectural elevation of the proposed brick wall for your reference.

**Required Roadway Dedication and By-Pass Lane Necessitate a 21-Foot Screen.** Finally, please keep in mind that the applicant's request for approval of a 21-foot transitional screening yard is necessitated by the County's insistence upon dedication of 5-feet of right-of-way along Franconia Road to accommodate a future on-road bike trail, plus a 10 to 12-foot by-pass lane for the proposed drive-through facilities. We have previously presented you with a traffic cueing analysis demonstrating that the by-pass lane is unnecessary, but the staff nonetheless insists on a by-pass lane. Hence, the bank has no

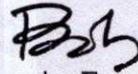
FLINN & BEAGAN

Kelli-Mae Goddard-Sobers, Planner  
August 15, 2008  
Page 3

alternative than to request approval of the proposed 21-foot  
transitional screening yard.

Thank you.

Very truly yours,



Robert F. Flinn

Enclosures

RFF/03010-110/RYP/L08.123

RECEIVED  
Department of Planning & Zoning

JUL 24 2008

Zoning Evaluation Division

FLINN & BEAGAN  
ATTORNEYS AT LAW  
SUITE 225  
8300 BOONE BOULEVARD  
VIENNA, VIRGINIA 22182-2630

ROBERT F. FLINN  
rflinn@flinnandbeagan.com

(703) 448-6800  
FAX (703) 448-0249

www.flinnandbeagan.com

July 24, 2008

**HAND-DELIVERED**

Regina Coyle, Division Director  
Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5505

Re: Application for Special Exception for Drive-in Bank  
Chevy Chase Bank  
Tax Map Reference No. 081-4-04-6 & 7  
5511 and 5515 Franconia Road

Dear Ms. Coyle:

We represent Chevy Chase Bank. Please accept this letter as our revised statement of justification for a special exception to permit the construction of a drive-in bank on the above-referenced property.

The property consists of two lots jointly comprising approximately 30,474 square feet. The property is zoned C-2 (Limited Office District). Banks are permitted by right in the C-2 District, but drive-through facilities require a category 5 special exception from the Board of Supervisors. The property is also located in a Highway Corridor Overlay District. Most recently, the property has been used for a commercial office located in a former single-family residence.

The proposed bank will be a free-standing building consisting of approximately 3,300 square feet with two drive-through lanes. The building will be a one-story brick structure approximately 25 feet in height with a standing seam metal roof, two portico entrances, and neoclassical architectural characteristics. Colored elevations showing the façade and architecture of the proposed building accompany the bank's application. Substantial landscaping will be provided, and at

FLINN & BEAGAN

Regina Coyle, Division Director  
July 24, 2008  
Page 2

least 30% of the property will be devoted to open space. Hours of operation for the bank are expected not to exceed 6:00 a.m. to 10:00 p.m. Monday through Saturday. The bank will have automatic teller machines which are expected to operate 24 hours a day, seven days a week. Approximately eight employees will work at the bank. It is estimated that there will be approximately 135 patrons of the bank each day. The bank is intended to serve the Franconia area.

The property is located the RH4-Lehigh Community Planning Sector of the Rose Hill Planning District of the Area IV Comprehensive Plan. The Plan text provides:

Development on existing commercial land should provide extensive screening and buffering and be of a compatible scale in order to protect adjacent stable residential neighborhoods (para. 32).

The Plan text also recommends that development of the property be coordinated and the adjacent property to the west developed with a Burke & Herbert drive-through bank in order to reduce access points on Franconia Road and ensure quality design (para. 35). The Plan map designates the property for office use.

The proposed bank conforms with the recommendations of the Comprehensive Plan. The proposed bank building is essentially a low-rise office building with a standing seam metal gable roof which is compatible with the architecture and roof lines of single-family homes. Inter-parcel access to the adjacent Burke & Herbert bank is provided and coordinated with the existing inter-parcel connection for the Burke & Herbert bank. A single access point onto Gum Street is proposed. No access to Franconia Road is proposed. Substantial landscaping is provided, especially in the area adjacent to the single-family residential neighborhood to the south. All lighting for parking areas will be "cut-off" lighting so as to prevent light from shining on adjacent properties.

It is estimated that approximately 120 vehicle trips per day (60 in/60 out) will be generated by the bank. The vehicle trips are expected to be distributed evenly over the entire day, especially in light of the 24-hour availability of the bank's automatic teller machines.

FLINN & BEAGAN

Regina Coyle, Division Director

July 24, 2008

Page 3

The applicant is requesting that the requirement for constructing a loading space be waived pursuant to §11-202(14) of the Zoning Ordinance on the ground that a loading space is unnecessary for the bank and adequate receiving facilities are otherwise being provided.

The applicant is also requesting that the limit on sign area in the ordinance be waived pursuant to §9-620 of the Zoning Ordinance so that the bank can have three facade signs, each approximately 35 square feet in size. This waiver is necessitated by the unique design and orientation of the bank building so that the main entrance of the bank is on the side of the building with only 40 feet of building frontage rather than 82 feet of building frontage. Since allowable facade signage is based upon the location of the main entrance to the building, this results in an overall limit of approximately 60 square feet of facade signage rather than approximately 123 square feet. The aggregate square footage of the bank's three typical facade signs is approximately 106 square feet. The location and dimensions of the proposed facade signage is shown on the schematic architectural elevations of the bank which accompany this letter.

The applicant also is requesting a modification to the 50-foot transitional screening requirement along the southern boundary to allow a 21-foot screening yard in accordance with §13-304 of the Zoning Ordinance. Section 13-304(4) of the zoning ordinance allows the required 50-foot transitional screening yard to be reduced by two-thirds to 16.66-feet where the developer chooses to construct a seven-foot brick wall as proposed by the bank. Additionally, Sections 13-304(2) and (3) of the zoning ordinance allow the required 50-foot transitional screening yard to be reduced when the strict application of the screening requirements would reduce the usable area of the property to a size which would preclude a reasonable use and where the proposed landscaping is specifically designed to minimize any adverse impacts. Both of these circumstances apply in this case. Note also that on March 18, 1991, the adjacent Burke & Herbert bank was granted a similar modification as part of the approval of its special exception application (SE 90-L-010). Likewise, on March 24, 1997 a 15-foot transitional screening yard was approved for the nearby Christian Ministry School as part of its special exception application (SEA 86-L-008-2) and on November 24, 1980 an 8-foot transitional screening yard was approved for the adjacent KinderCare facility (RZ-79-L-146).

FLINN & BEAGAN

Regina Coyle, Division Director  
July 24, 2008  
Page 4

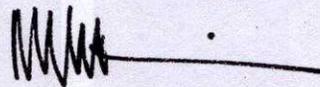
The applicant is also requesting that the staff's request for a 8-foot to 10-foot asphalt trail along the property's frontage be waived and that a 5-foot concrete sidewalk be installed in lieu of a trail. The Countywide Trails Plan does not specify a trail on the southern side of Franconia Road, but, in any event, there are no existing trails in the vicinity of the property. A trail, as distinguished from the proposed 5-foot sidewalk, would therefore serve no useful purpose. Additionally, the property has only 150-feet of depth from Franconia Road, and the applicant is already dedicating land for a 5-foot on-road bike lane. An additional requirement for an 8-foot to 10-foot asphalt trail would reduce the usable area of the property so as to preclude all practical uses.

The applicant is also requesting that the barrier requirement be waived along the eastern boundary of the property pursuant to §13-304 of the Zoning Ordinance. The property to the east across Gum Street is also zoned C-2, and the Comprehensive Plan designates the property to the east for a use which does not require the provision of transitional screening. Sections 13-304(5) and (6) of the zoning ordinance allow the required barrier to be waived where the adjacent property is zoned or planned for a use similar to that proposed by the bank.

Except for the waivers and modifications referenced above, the proposed bank will conform to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

No hazardous or toxic substances or hazardous waste or petroleum products will be generated, utilized, stored, treated or disposed of on site as part of the bank's operations, and there are no known existing or proposed storage tanks or containers on the property.

Very truly yours,



Robert F. Flinn

cc: Joseph B. Pearson (w/o enclosures)

- Provide development or upgrading of active recreation facilities at adjacent Beulah and/or Manchester Lakes Parks as appropriate; and
  - Provide a substantial buffer along the periphery of the site next to areas planned for lower residential densities.
31. Elderly housing, workforce housing and related facilities are planned for two areas located on Parcel 91-1((12))J and the land area formerly identified as parcel O which flank Manchester Boulevard. Much of former Parcel O has been subdivided and renumbered and now exists as Parcels 91-1((27))1, 2 and 3, as well as Parcels 91-3((18))4, 5, 6, 7 and 91-3((9))8b. Uses such as churches, nursing homes, medical facilities, child care facilities, and other public serving uses such as quasi-public and institutional uses may also be considered on Parcel O subject to the provision of a unified development plan that indicates the achievement of a high standard of design, and traffic minimization measures that include providing interparcel street connections with adjacent properties, providing at least two points of access to the arterial roadway system, and accommodating the planned interchange at the Beulah Street and Manchester Boulevard intersection. In addition, if former Parcel O is fully consolidated with Parcels 91-3((9))1, 2, and 3 (these parcels are now all part of Parcel 91-3((9)) 8b) under a unified development plan, commercial uses in conjunction with elderly housing and related uses may be considered subject to the following conditions:
- Commercial uses should provide convenient services to visitors, employees, and residents of the elderly housing and workforce housing, such as eating establishments, a bank, medical offices, and a drugstore;
  - Provisions for affordable housing and workforce housing should serve a range of needs in terms of income levels and family size;
  - Commercial uses should be designed as an integral component of the development and not have the appearance of a commercial strip center;
  - Well-defined pedestrian linkages should be provided that are attractively landscaped, designed to meet the special needs of the elderly, allow opportunities for resting as well as walking, and have safe and convenient access between buildings with minimal crossing of streets and parking areas; and
  - No retail or other commercial uses should be permitted until the elderly housing units are under construction.

#### **Rest of Sector**

Much of the rest of the sector is substantially developed in stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity and in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14. The densities planned and approved for Kingstowne and Manchester Lakes are, in many cases, greater than those planned for the residential areas surrounding these developments. These two large developments were approved after extended study and careful consideration of their size and characteristics including the amenities and public improvements provided. Other areas adjacent to or near these developments are planned for lower densities.

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.

Figure 28 indicates the geographic location of land use recommendations for the remainder of this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

32. No additional commercial development along Franconia Road is planned or recommended. Development on existing commercial land should provide extensive screening and buffering and be of a compatible scale in order to protect adjacent stable residential neighborhoods. [Not shown]
33. Parcel 81-4((12))1 in the southeastern quadrant of the intersection of Franconia Road and Gum Street is planned for transitional low-rise office use up to .35 FAR with a substantial landscaped, open space buffer provided adjacent to the existing residential community to the south.
34. Residential uses should be maintained on the parcels east of Thomas Edison High School with development at 2-3 dwelling units per acre.
35. The parcel fronting on Franconia Road between Edison Drive and Gum Street (Tax Map 81-4((4))A) is planned for office use up to .35 FAR. A maximum building height of 40 feet is recommended, and consolidation or coordination with the commercially-zoned parcel to the east to reduce access points on Franconia Road and ensure quality design should be provided.
36. Parcels fronting on the south side of Franconia Road from Franconia Elementary School to east of Em Street, including Parcel 81-4((1))14, are planned for 1-2 dwelling units per acre.
37. The approximately 34-acre area fronting on the south side of Franconia Road from South Van Dorn Street west to the existing institutional use and extending south along the western edge of the lettered parcels to the northern boundary of Kingstowne is planned for 2-3 dwelling units per acre. As an option, residential development at 4-5 dwelling units per acre or a mix of institutional uses at up to .35 FAR and residential use at a density of 4-5 dwelling units per acre may be considered if the following conditions are met:
  - Substantial consolidation of all parcels within Tax Map 81-4((3)) must be achieved;
  - If the option for a mix of institutional and residential uses is exercised, it would be preferable to locate the institutional use on the northern portion of the site adjacent to the Franconia Road frontage, with the residential use arranged to form a transition to the lower density residential development;
  - The wooded slopes and stream valleys of the Dogue Creek headwaters are preserved;

**APPENDIX 5**

**GUIDELINES FOR DRIVE-THRU WINDOWS AND OTHER  
DRIVE-THRU FACILITIES**

Drive-thru windows for commercial establishments and other drive-thru facilities have the potential to cause serious on-site and off-site traffic circulation problems. To address these potential problems, drive-thru windows and other drive-thru facilities should be approved only if the size and configuration of the lot are adequate to achieve a safe drive-thru facility, parking circulation and pedestrian system. All activity generated by the use must be accommodated on the site. Noise, glare and other nuisance aspects related to drive-thru facilities must not adversely affect adjacent properties.



# County of Fairfax, Virginia

## MEMORANDUM

DATE: July 23, 2008

**TO:** Regina Coyle, Director  
Zoning Evaluation Division, DPZ

**FROM:** Pamela G. Nee, Chief *PAN*  
Environment and Development Review Branch, DPZ

**SUBJECT:** Land Use Analysis and Environmental Assessment for: SE 2008-LE-013  
Chevy Chase Bank

This memorandum, prepared by Mary Ann Welton, AICP, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the revised Special Exception Plan for this property, dated June 26, 2008. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### DESCRIPTION OF THE APPLICATION:

The applicant, Chevy Chase Bank, proposes to construct a drive-in bank on the 30,474 square foot subject property which is zoned C-2 and which consists of two parcels located at 5511 and 5515 Franconia Road. The applicant requests approval to develop a 3,300 square foot drive-through bank at a .11 floor area ratio (FAR). The height of the proposed structure is 25 feet. 21 parking spaces are provided (14 spaces are required); 10 stacking spaces are provided (10 stacking spaces are required); 1 loading space is required, and the applicant requests of waiver of this requirement. 35% open space is proposed (30% is required). Site access is via interparcel (from the west) access and from Gum Street.

### LOCATION AND CHARACTER:

The subject property is located on the south side of Franconia Road (Route 644) immediately west of Gum Street. The subject property encompasses two parcels most recently used as a commercial office in a former single-family detached home. The property is also characterized by undeveloped land and moderately dense deciduous vegetation. To the west and east of the subject property are a Burke and Herbert drive-through bank and a Kinder Care Learning Center, respectively. Community serving retail use is located to the north and across Franconia Road. Single-family detached homes in the Silver Springs subdivision are located to the south of the subject property.

Department of Planning and Zoning  
Planning Division  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035-5509  
Phone 703-324-1380  
Fax 703-324-3056  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



## COMPREHENSIVE PLAN CITIATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the land use and environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

### Land Use

Fairfax County Comprehensive Plan, 2007 Edition, Area IV volume, Rose Hill Planning District as amended through September 24, 2007, RH4-Rose Hill Community Planning Sector, under the heading Recommendations, Land Use, pages 65 and 66 state:

“Much of the rest of the sector is substantially developed in stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity and in accordance with the guidance provided by the Policy Plan. . . .

32. No additional commercial development along Franconia Road is planned or recommended. Development on existing commercial land should provide extensive screening and buffering and be of a compatible scale in order to protect adjacent stable residential neighborhoods. . . .

35. The parcel fronting on Franconia Road between Edison Drive and Gum Street (Tax Map 81-4((4)) A) is planned for office use up to .35 FAR. A maximum building height of 40 feet is recommended, and consolidation or coordination with the commercially-zoned parcel to the east to reduce access points on Franconia Road and ensure quality design should be provided.”

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Land Use section as amended through December 3, 2007, Appendix 5, Guidelines for drive-thru windows and other drive-thru facilities, page 99 states:

“Drive-thru windows for commercial establishments and other drive-thru facilities have the potential to cause serious on-site and off-site traffic circulation problems. To address these potential problems, drive-thru windows and other drive-thru facilities should be approved only if the size and configuration of the lot are adequate to achieve a safe drive-thru facility, parking circulation and pedestrian system. All activity generated by the use must be accommodated on the site. Noise, glare and other nuisance aspects related to drive-thru facilities must not adversely affect adjacent properties.”

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Land Use section as amended through December 3, 2007, page 5 states:

“As the County matures, there will be an increasing need to preserve and revitalize older residential communities. It will be important to protect existing residential areas from the encroachment of commercial development and the impacts of institutional holdings and uses. The compatibility of infill development will also be of increasing concern.

**Objective 8:**           **Fairfax County should encourage a land use pattern that protects, enhances and/or maintains stability in established residential neighborhoods.”**

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Land Use section as amended through December 3, 2007, page 9 states:

**“Objective 14:**       **Fairfax County should seek to achieve a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses.”**

## **Environment**

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, page 7 states:

**“Objective 2:**       **Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**

Policy a.           Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements.”

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, page 10 states:

**“Objective 3:**       **Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**

Policy a.           Ensure that new development and redevelopment complies with the County’s Chesapeake Bay Preservation Ordinance . . .”

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, page 16 states:

**“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices. . . .”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, pages 17-19 state:

**“Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.**

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*)
- Optimization of energy performance of structures/energy-efficient design
- Use of renewable energy resources
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies
- Reuse of existing building materials for redevelopment projects
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris
- Use of recycled and rapidly renewable building materials
- Use of building materials and products that originate from nearby sources
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. . . .

- Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system.
- Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses.”

## **COMPREHENSIVE PLAN MAP: Office**

### **LAND USE ANALYSIS:**

#### **Use**

The bank is proposed to be constructed as a one-story brick structure with two portico entrances and neoclassical architectural characteristics with a standing seam metal gable roof. The bank is proposed to be set back from Franconia Road with the main entrance facing Gum Street and the secondary entrance facing the Burke and Herbert bank. Two rows of parking are proposed to be located between Franconia Road and the bank. A proposed single lane along the southwestern corner of the site feeds into two drive-thru windows. The proposed 3,300 square foot bank building at .11 FAR is generally consistent with the basic planned land use (office) for this site. The proposed architecture of the building is also generally compatible with the surrounding land uses. However, the drive-thru element associated with the bank as

currently proposed raises concerns about land use compatibility, internal vehicular circulation, site design and intensity.

### **Land Use Compatibility**

The proposed location of the drive thru windows with limited screening and buffering adjacent to a residential use raises concerns about potential land use conflicts. For this area, the Comprehensive Plan provides a specific recommendation for the need for "extensive screening and buffering" on commercial land to protect adjacent stable residential neighborhoods. The Comprehensive Plan's Policy Plan, Land Use Appendix 5 also emphasizes that drive-through commercial uses can pose potential conflicts with adjacent uses because such commercial uses can generate noise, glare, and other nuisance aspects. This Policy Plan guidance directs that such commercial facilities "should be approved only if the size and the configuration of the lot are adequate." The layout of the proposed development, as currently proposed, does not conform to these Comprehensive Plan recommendations from the Area IV Plan and Policy Plan as further discussed below.

According to the application, the hours of operation for the bank are expected not to exceed 6:00 a.m. to 10:00 p.m., Monday through Saturday. The bank automatic teller machines would operate 24 hours a day, seven days a week. It is estimated that there will be 135 patrons of the bank each day. Given the Comprehensive Plan's emphasis for extensive screening and buffering, the proposed level of activity of the bank and the nature and location of drive-thru windows in close proximity to a residential use, staff does not support the applicant's request for a waiver of transitional screening along the property's southern boundary. The applicant is proposing a 16.66 foot wide planted buffer with a 7 foot high masonry wall (which will be compatible with the architecture of the building) along this boundary. Staff supports greater separation between the drive thru facility and the residential uses to the south; and therefore, staff recommends, at a minimum, a 25 foot wide densely planted buffer with a 7 foot high solid masonry wall. Staff also recommends that the bank hours be limited to 9:00 a.m. to 8:00 p.m., Monday through Saturday to be more in keeping with the character of the single-family residential subdivision to the south.

### **Internal Vehicular Circulation**

As noted in Land Use Appendix 5 of the Policy Plan, commercial establishments with drive-through windows can pose serious on and off-site traffic and pedestrian circulation problems if the use is not designed appropriately for the size of the site. The current layout of the site does not provide for a bypass lane for the two drive-thru windows. Ideally, the lay-out should be revised to include a bypass lane. The adequacy of roadway improvements, internal circulation and access points will be subject to review and approval by the Department of Transportation.

### **Site Design and Intensity**

In order to accommodate appropriate buffering and screening as well as a bypass lane for the drive-thru facility, the applicant should re-design the site and consider the following measures in part or in combination:

- Eliminate 7 parking spaces while still meeting parking space requirement with the provision of 14 parking spaces;
- Eliminate one drive thru window;
- Reduce the footprint of the bank building while maintaining the building height of 25 feet;
- Reorient the drive-thru lane and window(s) away from the adjacent residential use; and
- Consolidate adjacent parcel 10 to be used solely as a buffering and screening area to the residential subdivision to the south.

### **ENVIRONMENTAL ANALYSIS:**

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the County's remaining natural amenities.

**Stormwater Management/Adequate Outfall:** This 30,474 square foot subject property falls just within the southern edge of the Cameron Run watershed as well as with the County's Chesapeake Bay Preservation Area. This application proposes to meet water quantity control requirements through the use of an underground facility comprised of pipes with a weir and draw down device with an outfall pipe which connects to the existing storm drain system on Franconia Road. Water quality control will be addressed by the use of four tree box filters that according to the applicant will achieve a 40% phosphorous removal requirement.

An outfall analysis has been provided on page 6 of the plan which describes the route of the drainage through a closed pipe system which outfalls north and west of the subject property into a bed and bank channel. Both a narrative and a depiction of the drainage have been provided by the applicant.

The adequacy of any proposed stormwater/best management practice facilities and outfall measures will be subject to review and approval by the Department of Public Works and Environmental Services (DPWES).

**Tree Preservation:** The subject property is characterized by moderately dense deciduous vegetation which covers approximately two-thirds of the subject property. The current revised development plan includes a generalized tree survey which characterizes the existing vegetation on this site as upland forest but provides no specifics about the quality, age of trees

and possible identification of specimens worthy of preservation. The plan indicates that all the existing vegetation will be cleared to construct the bank and related uses with no attempt to preserve any of the existing vegetation as part of the landscape plan. The applicant is encouraged to work with the Urban Forest Management Branch of the DPWES to identify specific trees worthy of preservation and to include preservation of these trees into the overall plan for the proposed bank.

**Green Building:** The Policy Plan was recently amended to incorporate guidance in support of the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment. The applicant is strongly encouraged to seek the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) certification for the bank building. In support of attainment of LEED certification for the project, the applicant is encouraged to:

- Retain a LEED AP who is a professional engineer or architect licensed to practice in the Commonwealth of Virginia and will be a part of the project's design and construction team;
- Prior to approval of the site plan for the project, execute a separate agreement and post, a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$93,000 for the project. The provision of documentation from the U.S. Green Building Council that the project has attained LEED certification to the Environment and Development Review Branch of DPZ will be sufficient to satisfy this commitment. If the applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within one year of issuance of the non-Residential Use Permit (non-RUP) for the project, the escrow will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of County environmental initiatives.
- Include a list of specific credits within the most current version of a LEED rating system as part of the site plan and building plan submission; and
- Retain a professional engineer or architect licensed to practice in the Commonwealth of Virginia who will provide certification statements both at the time of site plan and building plan reviews confirming that the items on the list will meet at least the minimum number of points necessary to attain LEED certification of the project.

In order to ensure the long term viability of the green building measures, the applicant is encouraged to retain a LEED AP who will prepare a green buildings user's manual. The user's manual at a minimum should:

- Provide a narrative description of each green building component, including a description of the environmental benefits of that component and including

information regarding the importance of maintenance and operation in retaining the attributes of a green building;

- Provide, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;
- Provide, as applicable, either or both of the following: (1) a maintenance staff notification process for improperly functioning equipment; or (2) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and
- Provide contact information that the building owner can use to obtain further guidance on each green building component.

#### **COUNTYWIDE TRAILS MAP:**

In accordance with the Countywide Trails Plan and Public Facilities Manual, the applicant should provide an 8 foot wide, Type I (asphalt) trail within a 12 foot wide trail easement or a 10 foot wide, Type I (asphalt) trail within the VDOT right-of-way along the property's Franconia Road (Route 644) frontage. The applicant is requesting a waiver of the trail requirement along Franconia Road. In lieu of the trail, the applicant proposes to replace the existing sidewalk with a 5-foot wide concrete sidewalk. The applicant should also provide a 5 foot wide, on-road bike lane if frontage improvement is required for Franconia Road. The Fairfax County Department of Transportation will determine whether frontage improvement and the bike lane are required.

PGN: MAW



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 22, 2008

**TO:** Regina Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** David B. Marshall, Chief  
Facilities Planning Branch,  
Planning Division 

**SUBJECT:** SE 2008-LE-013  
Chevy Chase Bank  
Trail Waiver Request

This office has consulted with the Lee District Sidewalk and Trails Committee member, Robert Michie, concerning the request by the applicant of the above referenced special exception application to waive the construction of a major paved trail and construct a 5-foot concrete sidewalk along Franconia Road near its intersection with Gum Street. It is recommended that this waiver request be approved and that the five-foot concrete sidewalk be constructed to link with the other existing sidewalks in the area.

If you have any questions, please call me at extension 41261.

cc: Robert Michie, Lee District Representative, Countywide Sidewalk and Trails Committee  
Kelli-Mae Goddard-Sobers, DPZ



# County of Fairfax, Virginia

## MEMORANDUM

August 22, 2008

**TO:** Kelli-Mae Goddard-Sobers, Staff Coordinator  
Department of Planning and Zoning

**FROM:** Douglas Petersen, Urban Forester III *D. Petersen*  
Forest Conservation Branch, DPWES

**SUBJECT:** SE 2008-LE-013 Chevy Chase Bank, 5511 Franconia Road, Springfield  
Lee District

Staff from Urban Forest Management Division received the latest revision of this application on August 19, 2008. These comments are based upon that plan submission and a visit to the subject property in June of 2008.

The site is relatively flat in topography and is partially developed with an abandon house and an area of overgrown pavement/gravel. The wooded portion of the site consists mostly of hardwood trees including sweetgum, black cherry, walnut, sassafras, mulberry, and Southern red oak with a few mature Virginia pine and Eastern redcedar. The most notable trees are a 22 inch diameter Southern red oak and a 20 inch diameter Virginia pine, both of which are in fair condition. The understory of the wooded area is overgrown with invasive plants, poison ivy and wild grape vines. Generally, the forest composition is of fair to poor quality.

The submitted plans do not propose to save any of the existing vegetation. The two notable trees are not located in areas that could possibly be preserved, and are not of a quality that would warrant such measures. The tree canopy requirement is for 10% of the land area and is proposed to consist entirely of landscape material (24.6% tree canopy is proposed).

The south side of the property adjoins a residential use which requires a 50-foot Transitional Screening Yard (TSY) with a barrier. The application shows an apparent reduction of the TSY to 21-feet wide with a seven foot (7') brick/block wall located 16 feet from the south property line. If a modification of the TSY is proposed, then it could either be addressed by the Planning Commission at the time of application consideration or it can be administratively considered by our division at the time of site plan submission. Additionally, a barrier is required on the east side of the property against the child care center across Gum Street. This requirement could also be modified in the aforementioned manner, if desired.

Department of Public Works and Environmental Services  
Land Development Services, Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)



Memo to Goddard-Sobers  
SE 2008-LE-013, Chevy Chase Bank  
August 22, 2008  
Page 2

Since there are less than 20 parking spaces proposed with this application, interior and peripheral parking lot landscaping would not be required on this plan.

If you have any questions regarding these comments and recommendations, please feel free to contact me at 703-324-1738.

DAP/dap  
UFMID #: 139561

cc: RA File  
DPZ File

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**Department of Public Works and Environmental Services**  
**Land Development Services, Urban Forest Management Division**  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769  
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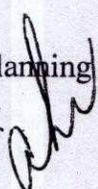


# County of Fairfax, Virginia

## MEMORANDUM

DATE: July 9, 2008

**TO:** Regina Coyle, Director  
Zoning Evaluation Division,  
Department of Comprehensive Planning

**FROM:** Angela Kadar Rodeheaver, Chief   
Site Analysis Section  
Department of Transportation

**FILE:** 3- 5 (SE 2008-LE-013)

**SUBJECT:** Transportation Impact

**REFERENCE:** SE 2008-LE-013; Chevy Chase Bank, F.S.B.  
Traffic Zone: 1492  
Land Identification Map: 81-4 ((04)) 6, 7

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the applicant's statement of justification of use dated May 28, 2008 and the revised plan dated June 23, 2008.

The applicant requests a special exception for a drive-through financial institution.

This department has reviewed this application and mentions the following:

- It is recommended the applicant include a by-pass travel aisle to enhance the drive-through operation.

AKR/AK C:SE2008LE013ChevyChaseBank  
CC: Michelle Brickner, Director, Design Review, DPW & ES



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 25, 2008

**TO:** Kelli-Mae Goddard-Sobers, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:**  Jeremiah Stonefield, Chief, Stormwater and Geotechnical Section  
Environmental and Site Review Division  
Department of Public Works and Environmental Services

**SUBJECT:** Special Exception Application SE 2008-LE-013, Chevy Chase Bank, Special Exception Plan dated August 15, 2008 (plan), Tax Map #081-4-04-00-0006 and 0007 (Site), Lee District, Cameron Run Watershed

We have reviewed the referenced submission and offer the following comments:

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) designated on this Site.

The applicant indicated that the water quality control requirements of 40% phosphorus removal as the proposed site improvements are considered to be 'development' under the CBPO. The applicant indicates water quality will be satisfied by incorporating two Filterra box filters into the development plan. The water quality control computations are incorrect. Two facilities will not meet the design standards and sizing requirements. Additional BMP facilities must be proposed. The water quality BMPs shall be privately maintained and a private maintenance agreement will be required prior to the approval of the final construction plan.

Floodplain

There is no regulated floodplain on the Site.

Downstream Drainage Complaints

There is a drainage complaint on file for this Site related to standing water in the vicinity of the property.

Stormwater Detention

The applicant indicates that an underground detention system (UDS), located under a portion of the parking lot, will be constructed on the site. The size of the UDS pipes of 4-ft diameter does not meet the PFM standard for 6-ft diameter pipes in order to facilitate maintenance. DPWES does not support a PFM modification of the pipe diameter to the proposed size. The detention system must be revised. Underground chambers shall provide 2 or more access points, at least one of which shall be a 4' X 4' access door, double leaf, aluminum, BILCO Model JD-2AL H20 or approved equal, for each major storage chamber or run of pipe for ventilation and cleaning, and be large enough to accommodate cleaning equipment. A private maintenance agreement for the UDS will be required prior to final construction plan approval.

Department of Public Works and Environmental Services  
Land Development Services, Environmental and Site Review Division  
12055 Government Center Parkway, Suite 535  
Fairfax, Virginia 22035-5503  
Phone 703-324-1720 • TTY 703-324-1877 • FAX 703-324-8359



Kelli Goddard-Sobers, Staff Coordinator  
SE 2008-LE-013  
Page 2 of 2

Site Outfall

The applicant shows extent of downstream review for the stormwater outfall. All the stretch of the outfall system shall be adequate per PFM requirements.

Please contact me at 4-1720 if you have any questions or require further clarification.

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES  
Elfatih Salim, Senior Engineer III, ESRD, DPWES  
Durga Kharel, Site Review Engineer, ESRD, DPWES  
Zoning Application File (02471-ZONA-002-2)



# FAIRFAX COUNTY PARK AUTHORITY

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## MEMORANDUM



**TO:** Regina M. Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sandy Stallman, Manager   
Park Planning Branch

**DATE:** May 27, 2008

**SUBJECT:** SE 2008-LE-013, Chevy Chase Bank  
Tax Map Number(s): 81-4 ((4)) 6, 7

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on land or resources of the Park Authority.

FCPA Reviewer: Andi Dorlester  
DPZ Coordinator: Kelli-Mae Goddard-Sobers

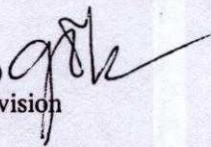
cc: Cindy Walsh, Acting Director, Resource Management Division  
Chron Binder  
File Copy

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator  
Zoning Evaluation Division, OCP

DATE: May 12, 2008

FROM: Gilbert Osei-Kwadwo (Tel: 324-5025)   
System Engineering & Monitoring Division  
Office of Waste Management, DPW

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. SE 2008-LE-013  
Tax Map No. 081-4 ((04)) 0006, 0007

The following information is submitted in response to your request for a sanitary sewer analysis for subject rezoning application:

1. The application property is located in the CAMERON RUN (I-3) Watershed. It would be sewerred into the Alexandria Sanitation Authority Treatment Plant.
2. Based upon current and committed flow, there is excess capacity available in the Alexandria Authority Treatment Plant at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An Existing 8 inch line pipe located in FRANCONIA ROAD AND GUM STREET and APPROX. 10 AND 30 FEET RESPECTIVELY FROM the property is adequate for the proposed use at the present this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

<u>Sewer Network Plan</u>	<u>Existing Use + Application</u>		<u>Existing Use + Application + Previous Rezonings</u>		<u>Existing Use + Application + Comp</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
	Collector	<u>X</u>	<u>    </u>	<u>X</u>	<u>    </u>	<u>X</u>
Submain	<u>X</u>	<u>    </u>	<u>X</u>	<u>    </u>	<u>X</u>	<u>    </u>
Main/Trunk	<u>X</u>	<u>    </u>	<u>X</u>	<u>    </u>	<u>X</u>	<u>    </u>
Interceptor	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Outfall	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>

5. Other pertinent information of comments:

## FAIRFAX COUNTY ZONING ORDINANCE

- (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:
    - (a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and
    - (b) the maximum permitted FAR for the zoning district shall not be exceeded.
- C. For all approved special exception uses, any request for an addition shall require the provision of written notice by the requester in accordance with the following:
- (1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
  - (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special exception, such modification shall require the approval of an amendment to the special exception in accordance with Sect. 014 below or a new special exception.

**9-005 Establishment of Categories**

For purposes of applying specific conditions upon certain types of special exception uses, and for allowing special exception uses to be established only in those zoning districts which are appropriate areas for such uses, all special exception uses are divided into categories of associated or related uses, as hereinafter set forth in this Article 9.

**9-006 General Standards**

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:

## SPECIAL EXCEPTIONS

### **PART 5    9-500    CATEGORY 5    COMMERCIAL AND INDUSTRIAL USES OF SPECIAL IMPACT**

#### **9-501    Category 5 Special Exception Uses**

1. Amusement arcades.
2. Automobile-oriented uses.
3. Car washes.
4. Commercial recreation restaurants.
5. Convenience centers.
6. Drive-in financial institutions.
7. Drive-in motion picture theatres.
8. Drug paraphernalia establishments.
9. Eating establishments.
10. Establishments for scientific research and development.
11. Fast food restaurants.
12. Funeral chapels.
13. Heavy industrial uses, to include:
  - A. Abattoir.
  - B. Ammonia, bleaching powder or chlorine manufacture.
  - C. Asphalt mixing plant.
  - D. Bag cleaning establishment.
  - E. Blast furnace.
  - F. Boiler works.
  - G. Concrete mixing or batching plant.
  - H. Distillation of coal, wood or bones.
  - I. Distillation of turpentine or varnish.

## FAIRFAX COUNTY ZONING ORDINANCE

- J. Emery cloth manufacture.
  - K. Fertilizer manufacture.
  - L. Fireworks or explosives manufacture or storage.
  - M. Fish canning, curing, grinding or smoking.
  - N. Garbage incineration other than in municipal plants or incidental to the operation of hotels, eating establishments and dwellings.
  - O. Glue, size or gelatin manufacture.
  - P. Grinding, cooking, boiling, rendering or storing of slaughter-house refuse, or animal refuse, or rancid fats or refuse of dead animals.
  - Q. Iron, steel or copper works or foundries.
  - R. Lime, cement, gypsum or plaster of paris manufacture.
  - S. Manufacture of concrete or mortar.
  - T. Petroleum, alcohol or asphalt refining, mixing, or manufacture or storage.
  - U. Pyroxylin or celluloid manufacture.
  - V. Pulverizing of charcoal or coal.
  - W. Smelting of iron.
  - X. Soap manufacture.
  - Y. Stockyards.
  - Z. Sulphuric, nitric or hydrochloric acid manufacture.
  - AA. Tanning, curing or storing of raw hides or skins.
  - BB. Tetra-ethyl lead precipitate or liquid manufacture.
  - CC. Vinegar manufacture.
  - DD. Wool pulling and scouring.
  - EE. Yeast plants.
  - FF. Any other similar use which in the opinion of the Board might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause.
14. Hotels, motels.

## SPECIAL EXCEPTIONS

15. Marinas, docks and boating facilities, commercial.
16. Mini-warehousing establishments.
17. Offices.
18. Parking, commercial off-street, as a principal use.
19. Plant nurseries.
20. Quick-service food stores.
21. Service stations.
22. Theatres.
23. Vehicle light service establishments.
24. Vehicle major service establishments.
25. Vehicle sale, rental and ancillary service establishments.
26. Wholesale trade establishments.
27. Commercial off-street parking in Metro Station areas as a temporary use.
28. Food and beverage manufacturing, production and processing establishments.
29. Industrial/flex.
30. Pawnshops.
31. Mixed waste reclamation facilities.
32. Retail sales establishments.
33. Service station/mini-marts.
34. Truck rental establishments.
35. Bed and breakfasts.
36. Drive-through pharmacies.
37. Baseball hitting and archery ranges, outdoor.
38. Golf courses, country clubs.
39. Golf driving ranges.

FAIRFAX COUNTY ZONING ORDINANCE

- 40. Kennels, animal shelters.
- 41. Miniature golf courses ancillary to golf driving ranges.
- 42. Veterinary hospitals, but only ancillary to kennels.
- 43. Retail sales establishments-large.

9-502

**Districts in Which Category 5 Uses May be Located**

- 1. Category 5 uses may be permitted by right or as an accessory service use in the following districts:

PDH District: Limited to uses 2, 6, 9, 15, 17, 20, 21, 23, 32, 33, 36, 38, 39 and kennels (indoor) when represented on an approved development plan

PDC District: Limited to uses 1, 2, 3, 6, 9, 10, 11, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32, 33, 36, 38, 39, kennels (indoor) and 43 when represented on an approved development plan

PRC District: Limited to uses 1, 2, 3, 6, 9, 11, 12, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32, 33, 36, 37, 38, 39, kennels (indoor), 42 and 43 when represented on an approved development plan

PRM District: Limited to uses 9, 11, 14, 17, 20, 22, 25 and 32 when represented on an approved development plan

C-1, C-2 Districts: Limited to use 17

C-3 District: Limited to uses 9, 12 and 17

C-4 District: Limited to uses 9, 12, 17 and 18

C-5 District: Limited to uses 6, 9, 11, 12, 17, 18, 20, 32, 36 and kennels (indoor)

C-6 District: Limited to uses 6, 9, 11, 12, 17, 18, 20, 22, 23, 32, 36, kennels (indoor) and 43

C-7 District: Limited to uses 1, 6, 9, 11, 12, 14, 17, 18, 20, 22, 23, 32, 36, kennels (indoor) and 43

C-8 District: Limited to uses 2, 6, 9, 11, 12, 14, 17, 18, 20, 22, 23, 26, 32, 36, kennels (indoor) and 43

C-9 District: Limited to uses 1, 6, 9, 11, 14, 17, 20, 22, 23, 32, 36, kennels (indoor) and 43

I-1 District: Limited to uses 9, 10 and 17

I-1, I-2 Districts: Limited to uses 10, 12 and 17

I-3 District: Limited to uses 10, 12, 17 and kennels (indoor)

I-4 District: Limited to uses 10, 12, 16, 17, 26 and kennels (indoor)

I-5, I-6 Districts: Limited to uses 10, 12, 16, 17, 23, 24, 26, 28, 34 and kennels (indoor)

- 2. Category 5 uses may be allowed by special exception in the following districts:

R-A District: Limited to uses 19 and 40

R-P District: Limited to uses 15, 17, 19, 35, 38, 40 and 42

R-C District: Limited to uses 15, 17, 19, 35, 38, 39, 40 and 42

R-E, R-1 Districts: Limited to uses 10, 12, 15, 17, 19, 27, 35, 37, 38, 39, 40, 41 and 42

## SPECIAL EXCEPTIONS

R-2 District: Limited to uses 5, 12, 15, 17, 19, 27, 35 and 38  
R-3, R-4 Districts: Limited to uses 5, 12, 15, 17, 19, 27 and 38  
R-5, R-8 Districts: Limited to uses 5, 12, 15, 17, 27 and 38  
R-12, R-16, R-20 Districts: Limited to uses 12, 15, 27 and 38  
R-30 District: Limited to uses 12, 15, 17, 27 and 38  
R-MHP District: Limited to uses 12, 15, 27 and 38

PDH District: Limited to uses 11, 27 and 35  
PDC District: Limited to uses 11 and 27  
PRC District: Limited to uses 27 and 35

C-1 District: Limited to uses 10, 27 and 38  
C-2 District: Limited to uses 6, 9, 10, 27 and 38  
C-3 District: Limited to uses 6, 9, 10, 14, 18, 21, 22, 25, 27 and 38  
C-4 District: Limited to uses 6, 9, 10, 14, 21, 22, 25, 27 and 38  
C-5 District: Limited to uses 2, 3, 6, 11, 15, 17, 20, 21, 23, 27, 33, 34, 36, 37, 38, 39 and 41  
C-6 District: Limited to uses 2, 3, 4, 6, 11, 14, 15, 17, 20, 21, 23, 25, 27, 30, 33, 34, 36, 37, 38, 39 and 43  
C-7 District: Limited to uses 2, 3, 4, 6, 7, 8, 10, 11, 15, 17, 20, 21, 23, 25, 26, 27, 30, 33, 34, 36, 37, 38, 39 and 43  
C-8 District: Limited to uses 2, 3, 4, 6, 7, 10, 11, 15, 16, 17, 20, 21, 23, 24, 25, 27, 30, 33, 34, 36, 37, 38, 39 and 43  
C-9 District: Limited to uses 2, 3, 4, 6, 10, 11, 17, 18, 20, 21, 23, 25, 26, 27, 33, 36, 37 and 43

I-I District: Limited to use 27  
I-1 District: Limited to uses 27 and 38  
I-2 District: Limited to uses 9, 14, 15, 18, 22, 27 and 38  
I-3 District: Limited to uses 3, 6, 9, 14, 15, 16, 18, 21, 22, 25, 26, 27, 29, 37, 38, 39 and kennels (outdoor)  
I-4 District: Limited to uses 3, 6, 9, 14, 15, 18, 19, 21, 22, 25, 27, 28, 32, 37, 38, 39 and kennels (outdoor)  
I-5 District: Limited to uses 3, 6, 7, 9, 11, 14, 18, 19, 20, 21, 23, 25, 27, 32, 33, 37, 38, 39 and kennels (outdoor)  
I-6 District: Limited to uses 3, 6, 7, 11, 13, 18, 19, 20, 21, 23, 27, 31, 33, 37, 38, 39 and kennels (outdoor)

9-503

### Standards for all Category 5 Uses

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.
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.

## FAIRFAX COUNTY ZONING ORDINANCE

7. All lighting fixtures used to illuminate such off-street parking areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.
8. All such off-street parking shall comply with the provisions for landscaping and screening set forth in Article 13.

### **9-610 Provisions for Waiving Minimum Lot Size Requirements**

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an R District, except for all cluster subdivisions, the minimum lot area and/or lot width requirements for a C district or the minimum district size requirement for the C-9 District, and the minimum district size, lot area and/or lot width requirements for an I district, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.
3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.
4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.

### **9-611 Provisions for Approving Drive-In Financial Institutions, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Station/Mini-Marts in a Highway Corridor Overlay District**

The Board may approve a special exception for the establishment or for the enlargement, extension, relocation or increase in intensity of a drive-in financial institution, fast food restaurant, quick-service food store, service station or service station/mini-mart in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.

### **9-612 Provisions for Waiving Open Space Requirements**

Except for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, the Board may approve, either in conjunction with the approval of appropriate proffered conditions or as a special exception, the waiving of the open space requirement presented for a given zoning district and/or the open space requirement for cluster subdivisions in the R-C, R-E and R-1 Districts and cluster subdivisions in the R-3 and R-4 Districts which have a minimum

## SPECIAL EXCEPTIONS

4. Such special exception may be approved notwithstanding any existing nonconformity and any nonconformity that may be created by the public improvement, and approval of the special exception shall permit such nonconformities to continue as nonconformities.

Upon approving a special exception, the Board may impose such conditions as deemed necessary to address any impacts of the nonconformity or proposed modification.

**9-620**

### **Waiver of Certain Sign Regulations**

The purpose of this special exception is to provide some relief where appropriate for those signs in the C and I districts which, because of certain unusual circumstances as specified below, do not provide identification as intended by the sign regulations. In the C and I districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with the following:

1. Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Sect. 12-304. Such waiver shall not allow the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104.
2. Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.
3. It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.
4. A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.

**9-621**

### **Provisions for Outdoor Storage in Association with Warehousing Establishments in the Sully Historic Overlay District**

The Board may approve a special exception authorizing the establishment of outdoor storage in association with a warehousing establishment on land zoned I-5 or I-6 in the Sully Historic Overlay District in accordance with the provisions of Sect. A1-303.

**9-622**

### **Provisions for Modifications/Waivers/Increases and Uses in a Commercial Revitalization District**

1. In a Commercial Revitalization District, the Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the following:
  - A. A modification or waiver of the minimum lot size, minimum yard and/or minimum open space requirements of the underlying zoning district regulations,

## OVERLAY AND COMMERCIAL REVITALIZATION DISTRICT REGULATIONS

of the regulations and requirements of both the underlying district(s) and the Highway Corridor Overlay District.

3. Such districts may be amended in accordance with the provisions of Part 2 of Article 18.

### **7-604 Administration**

The administration of the provisions of the Highway Corridor Overlay District shall be as provided for in Article 9 for drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts and as provided for in Article 18 for all other uses.

### **7-605 Permitted Uses**

All uses permitted by right in the underlying zoning district(s)

### **7-606 Special Permit Uses**

All uses permitted by special permit in the underlying zoning district(s)

### **7-607 Special Exception Uses**

1. All uses permitted by special exception in the underlying zoning district(s) except as qualified by Sect. 601 above.
2. Except as permitted by right pursuant to Sections 4-502, 4-602, 4-702, 4-802, 4-902 and 10-202, drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts subject to the provisions of Part 6 of Article 9 and Sect. 608 below.

### **7-608 Use Limitations**

All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and, in addition, drive-in financial institutions, 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.
  - 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

**GLOSSARY**

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dba:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or ZBA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 01 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

**Abbreviations Commonly Used in Staff Reports**

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		