



APPLICATION ACCEPTED: November 6, 2007
APPLICATION AMENDED: December 15, 2008
PLANNING COMMISSION: March 18, 2009
BOARD OF SUPERVISORS: March 30, 2009 @ 3:30 PM

County of Fairfax, Virginia

CRD

March 11, 2009

STAFF REPORT

APPLICATION SE 2007-MA-034

MASON DISTRICT

APPLICANT: TD Bank, N.A.

ZONING: C-8, CRD, HC & SC

PARCEL: 71-1 ((1)) 89

ACREAGE: 28,083 square feet

FAR: 0.14

OPEN SPACE: 19%

PLAN MAP: Other Uses – Retail/Office Mixed Use

SE CATEGORY: Category 6: Drive-in Financial Institutions in a Highway Corridor Overlay District

PROPOSAL: Develop a freestanding drive-in financial institution with two, detached drive-through lanes in a Highway Corridor Overlay (HC) District; and waivers and modifications in a Commercial Revitalization District (CRD).

WAIVERS AND MODIFICATIONS:

- Waiver of minimum lot size.
- Waiver of minimum lot width.
- Waiver of service drive along Little River Turnpike.
- Waiver of minimum front yard requirements along Little River Turnpike (Route 236).
- 20% Parking space reduction.
- Waiver of construction of the required frontage improvements
- Modification of trails requirements.
- Waiver of the on-road bike lane along the Little River Turnpike frontage in favor of right-of-way dedication and an escrow.
- Modification of streetscape requirements along Little River Turnpike and Backlick Road.
- Modification of the southern drive aisle width.
- Waiver of the loading space requirement

STAFF RECOMMENDATION:

Staff recommends denial of SE 2007-MA-034. However, if it is the intent of the Board of Supervisors to approve SE 2007-MA-034, staff recommends that the approval be made subject to the development conditions contained 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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

The approval of this rezoning 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 additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

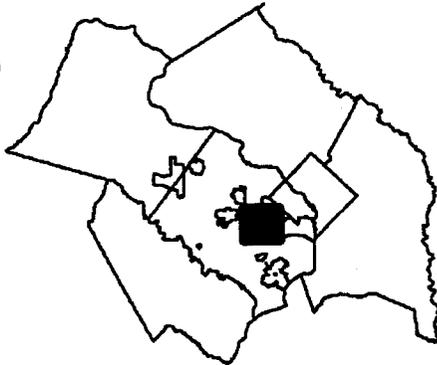
O:\SMCKN\SE\SE 2007-MA-034 Commerce Bank Annandale\TD BANK REPORT\TD Bank Draft Staff Report.doc



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).

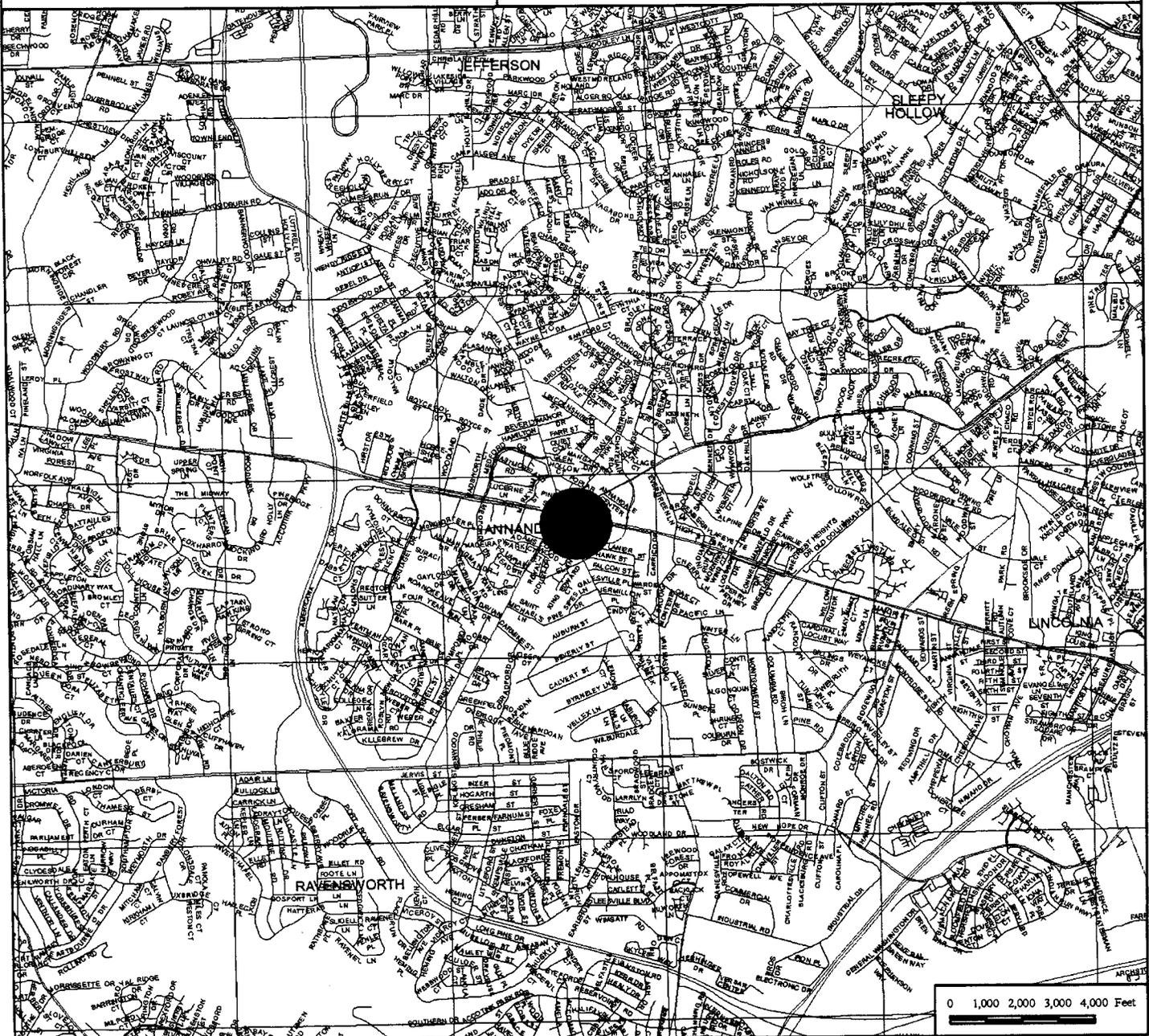
Special Exception

SE 2007-MA-034



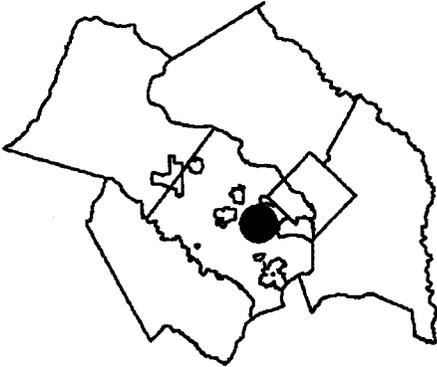
Applicant: TD BANK, N.A.
Accepted: 11/06/2007
Proposed: DRIVE-IN FINANCIAL INSTITUTION IN A HIGHWAY CORRIDOR OVERLAY DISTRICT AND MODIFICATIONS AND WAIVERS IN THE CRD

Area: 28,083 SF OF LAND; DISTRICT - MASON
Zoning Dist Sect: 09-0622 07-0607
Art 9 Group and Use: 6-19 6-07
Located: 7209 LITTLE RIVER TURNPIKE
Zoning: C- 8
Plan Area: 1
Overlay Dist: CRD SC HC
Map Ref Num: 071-1- /01/ /0089



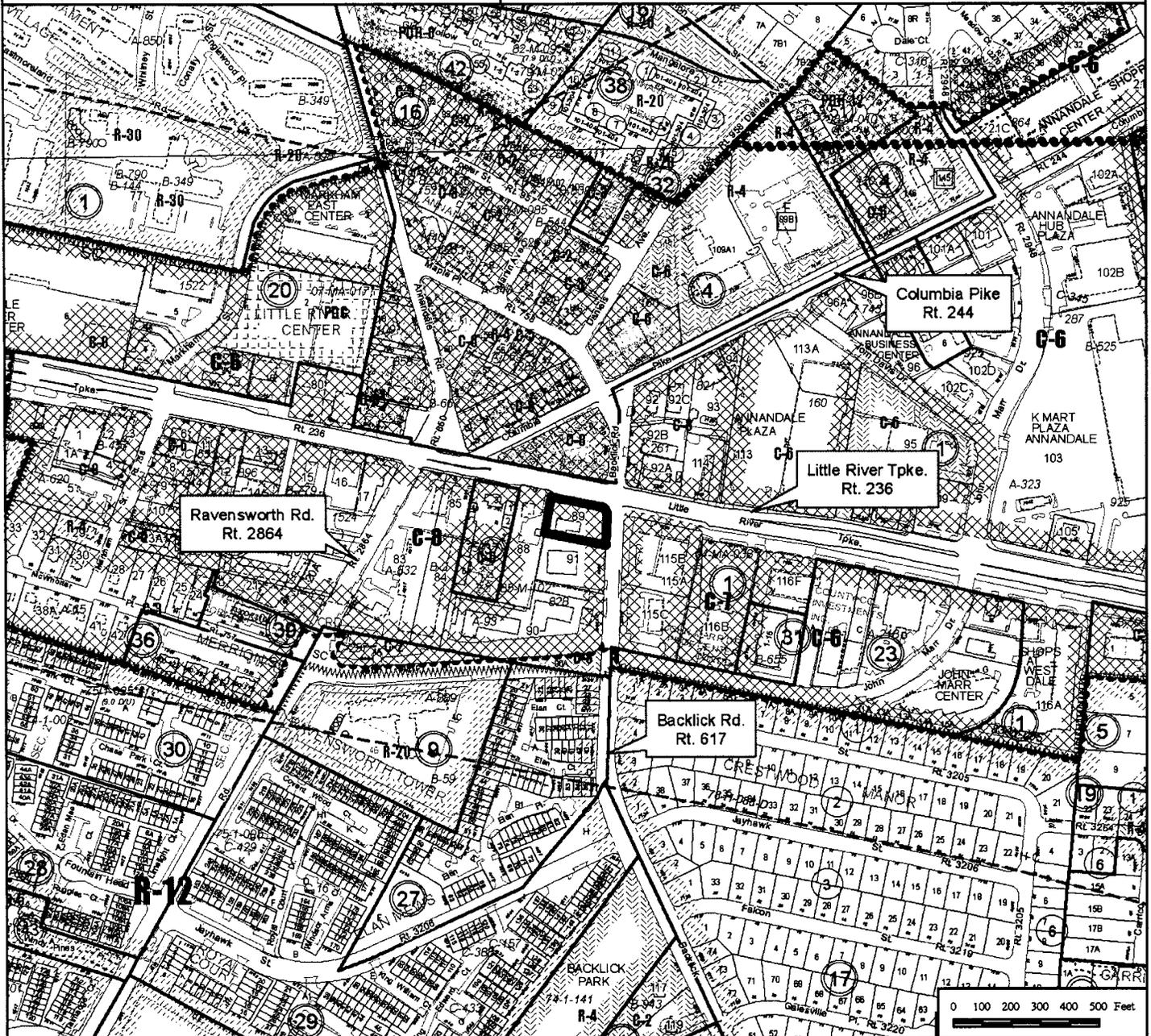
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| REV | DATE | DESCRIPTION |
|-----|---------|------------------|
| 1 | 1/17/10 | ISSUE FOR PERMIT |
| 2 | 1/17/10 | ISSUE FOR PERMIT |
| 3 | 1/17/10 | ISSUE FOR PERMIT |
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| 9 | 1/17/10 | ISSUE FOR PERMIT |
| 10 | 1/17/10 | ISSUE FOR PERMIT |

NOT APPROVED FOR CONSTRUCTION

PROJECT No. 107282
 DATE: 1/17/10
 PROJECT: ANNANDALE, VIRGINIA
 EXCEPTION PLAN
 PLAN No. 107282-01

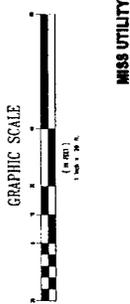


7209 LITTLE RIVER TURNPIKE
 ANNANDALE, VIRGINIA 22020
 ANNANDALE, VIRGINIA
 PLAN No. 107282-01

BOHLER
 2149 BAY DRIVE
 STEVENSON, VIRGINIA 22154
 P.O. BOX 100
 ANNANDALE, VIRGINIA 22020
 TEL: 703-755-1000
 FAX: 703-755-1001
 WWW.BOHLERENGINEERING.COM

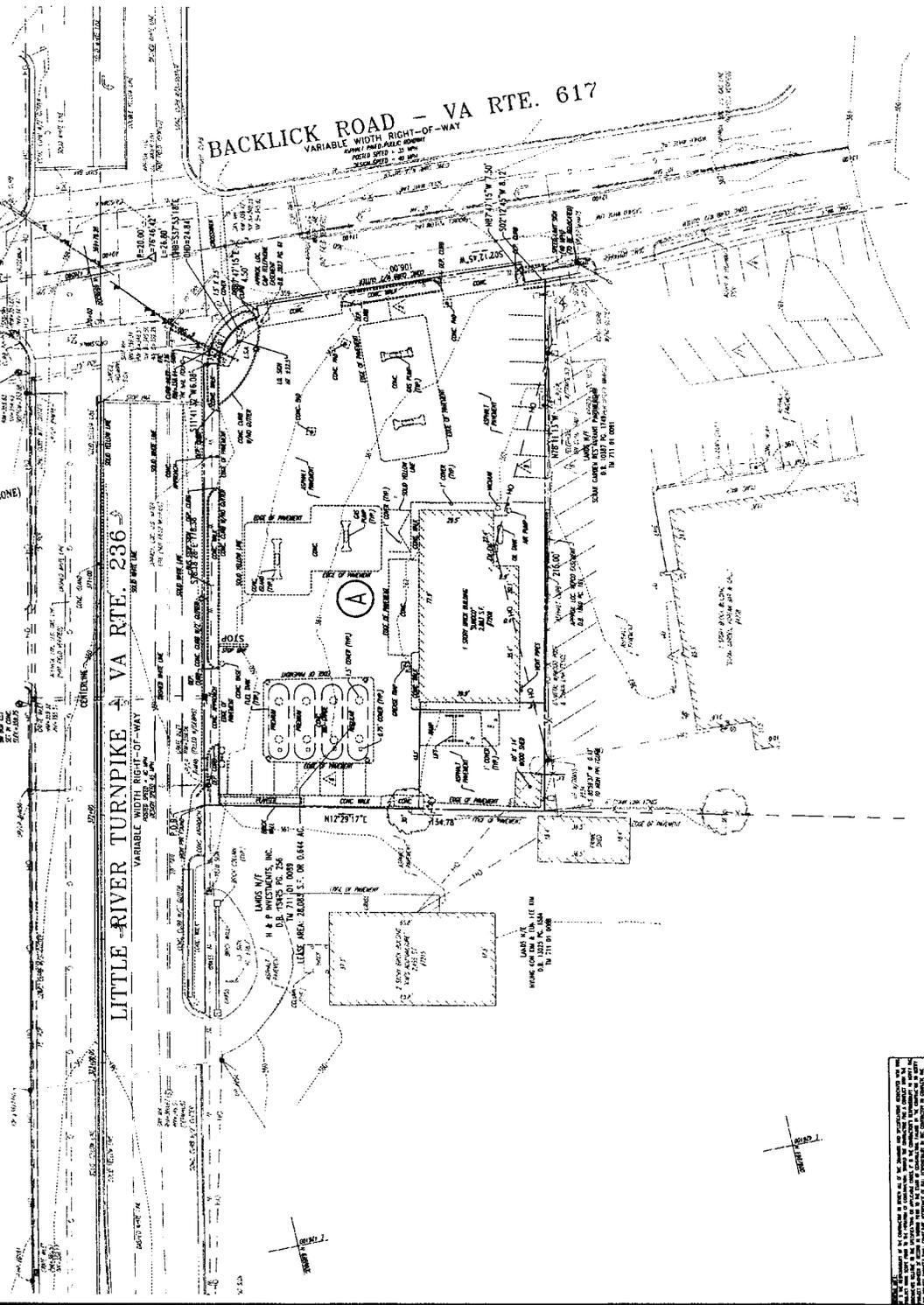


SHEET TITLE:
EXISTING CONDITIONS & EYM PLAN
 SHEET NUMBER: **2**
 OF 10



DATE: 1/17/10
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]
 SHEET: [Name]

| NO. | DESCRIPTION | DATE | BY | CHKD. |
|-----|------------------|---------|--------|--------|
| 1 | ISSUE FOR PERMIT | 1/17/10 | [Name] | [Name] |
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| 10 | ISSUE FOR PERMIT | 1/17/10 | [Name] | [Name] |



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COMP. & CONSULTING ENGINEERS

LANDSCAPE ARCHITECTS

PROFESSIONAL CHECKERS

PROFESSIONAL ENGINEERS

PROFESSIONAL SURVEYORS

PROFESSIONAL ARCHITECTS

PROFESSIONAL PLANNERS

PROFESSIONAL DESIGNERS

PROFESSIONAL WRITERS

PROFESSIONAL EDITORS

PROFESSIONAL PHOTOGRAPHERS

PROFESSIONAL VIDEOGRAPHERS

PROFESSIONAL MUSICIANS

PROFESSIONAL PERFORMERS

PROFESSIONAL DANCERS

PROFESSIONAL ACTORS

PROFESSIONAL WRITERS

PROFESSIONAL EDITORS

PROFESSIONAL PHOTOGRAPHERS

PROFESSIONAL VIDEOGRAPHERS

PROFESSIONAL MUSICIANS

PROFESSIONAL PERFORMERS

PROFESSIONAL DANCERS

PROFESSIONAL ACTORS

NOT APPROVED FOR CONSTRUCTION

DATE: 08/12/2014

PROJECT: 2500 ST. (1420)

ANNANDALE, VIRGINIA

PLANNING

2500 ST. (1420)

ANNANDALE, VIRGINIA

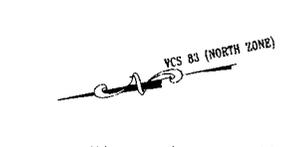
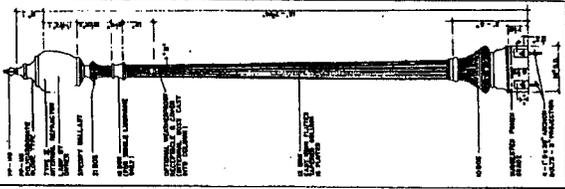
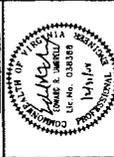
PLANNING



2500 ST. (1420)

ANNANDALE, VIRGINIA

PLANNING



TREE COVER CALCULATIONS

GRASS SITE AREA:

TOTAL = 28,000 SF.

R.O. = 2,000 SF.

NET SITE = 26,000 SF.

TREE COVER REQUIRED:

26,000 SF x 10 TREE COVER REQUIRED (COMMERCIAL) = 260,000 SF. REQUIRED

CREDITS:

NONE

FREE COVER PROVIDED:

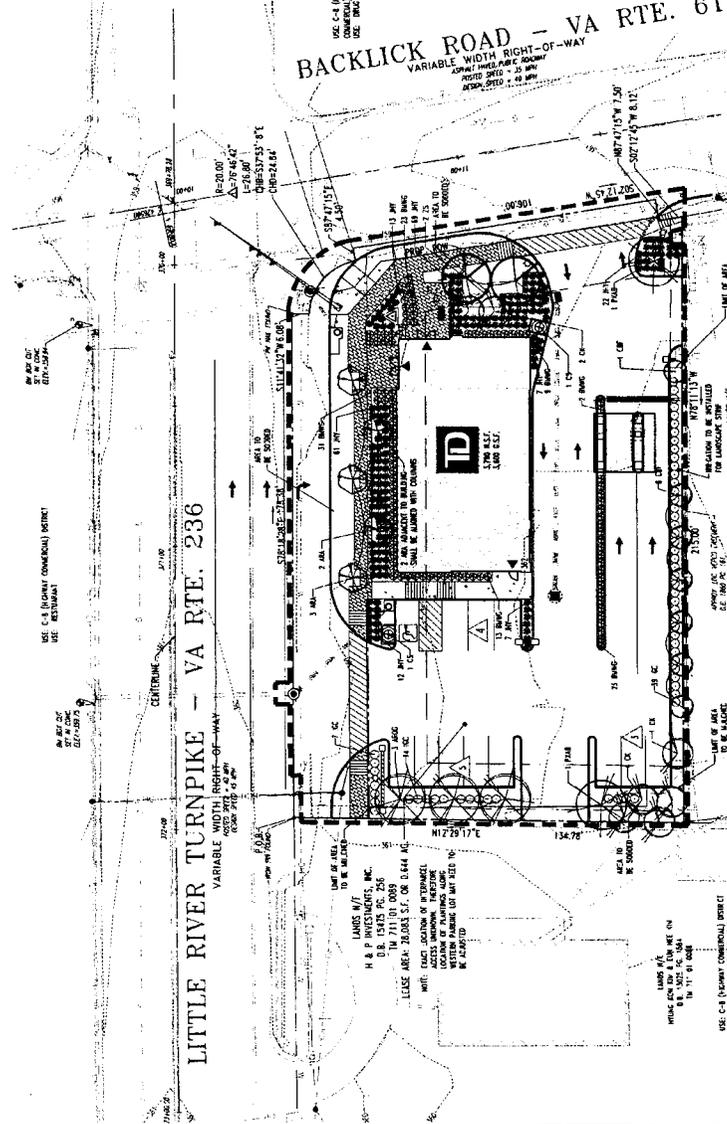
2,500 SF. (1420)

COMPLIANCE CHART FOR THE FAIRFAX COUNTY ZONING ORDINANCE

| SECTION | REQUIREMENT | COMPLIANCE |
|---------|-------------------------|------------|
| 11-202 | USE OF LAND | YES |
| 11-203 | LANDSCAPING | YES |
| 11-204 | SCREENING | YES |
| 11-205 | PAVING | YES |
| 11-206 | UTILITIES | YES |
| 11-207 | ADDITIONAL REQUIREMENTS | YES |

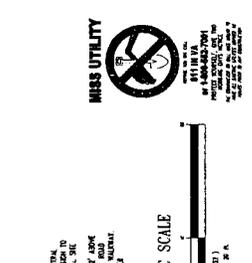
COMPLIANCE CHART FOR THE PUBLIC FACILITIES MANUAL

| SECTION | REQUIREMENT | COMPLIANCE |
|---------|-------------------------|------------|
| 11-208 | LANDSCAPING | YES |
| 11-209 | SCREENING | YES |
| 11-210 | PAVING | YES |
| 11-211 | UTILITIES | YES |
| 11-212 | ADDITIONAL REQUIREMENTS | YES |



LANDSCAPE SCHEDULE

| SYMBOL | DESCRIPTION | QUANTITY |
|--------|---------------------------|----------|
| 1 | 1" GALV. STEEL PIPE COVER | 100 |
| 2 | 1" GALV. STEEL PIPE | 100 |
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OWNER'S DESIGNING CHECKERS

PROJECT MANAGERS

DESIGNERS

BOHLER ENGINEERING

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|---------|-------------------|
| 1 | 1/17/18 | ISSUE FOR PERMITS |
| 2 | 1/17/18 | ISSUE FOR PERMITS |
| 3 | 1/17/18 | ISSUE FOR PERMITS |
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| 8 | 1/17/18 | ISSUE FOR PERMITS |
| 9 | 1/17/18 | ISSUE FOR PERMITS |
| 10 | 1/17/18 | ISSUE FOR PERMITS |

NOT APPROVED FOR CONSTRUCTION

ANNANDALE, VIRGINIA EXHIBITION PLAN



7289 LITTLE RIVER TURNPIKE
FARMAS COUNTY

BOHLER ENGINEERING

2340 JAMES BRW
SUITE 200
FARMAS, VA 22404
TEL (703) 791-5500
FAX (703) 791-5501

MISS UTILITY

LIGHTING PLAN

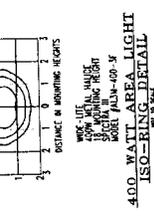
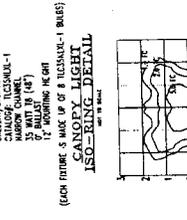
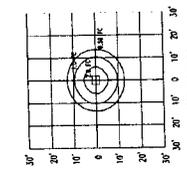
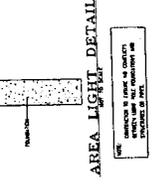
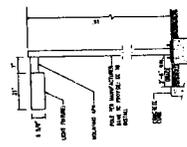
SHEET NUMBER 7

OF 10



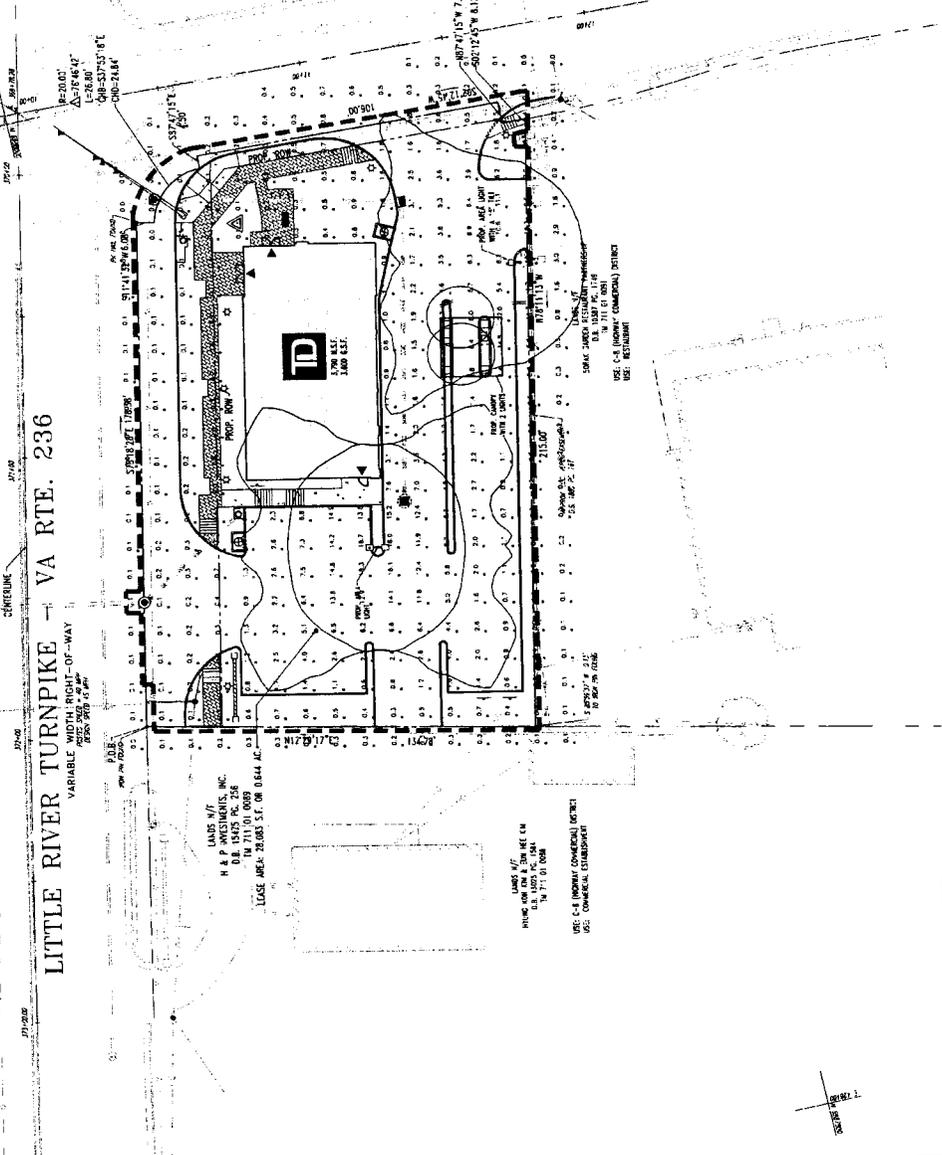
LIGHTING SCHEDULE

| TYPE | WATTAGE | HEIGHT | SPACING |
|------|---------|--------|-----------|
| 1 | 100 | 10 | 10' x 10' |
| 2 | 100 | 10 | 10' x 10' |
| 3 | 100 | 10 | 10' x 10' |
| 4 | 100 | 10 | 10' x 10' |
| 5 | 100 | 10 | 10' x 10' |
| 6 | 100 | 10 | 10' x 10' |
| 7 | 100 | 10 | 10' x 10' |
| 8 | 100 | 10 | 10' x 10' |
| 9 | 100 | 10 | 10' x 10' |
| 10 | 100 | 10 | 10' x 10' |



BACKLICK ROAD - VA RTE. 617
VARIABLE WIDTH RIGHT-OF-WAY

LITTLE RIVER TURNPIKE - VA RTE. 236
VARIABLE WIDTH RIGHT-OF-WAY



LANDS 4/7
H & P INVESTMENTS, INC.
D.B. 15405 P.C. 258
LOSSE AVE. 2000 S.E. ON 1664 AC

LANDS 4/7
PINECONE CO. & SON INC. CA
10000 W. 100TH ST.
M 77, 01, 008

USE C-1 (PROFIT COMMERCIAL) DISTRICT
USE: COMMERCIAL ESTABLISHMENT

CIVIL & CONSTRUCTION ENGINEERS
 BOHLER ENGINEERING
 1000 W. 10TH AVENUE
 DENVER, CO 80202
 (303) 733-1111
 FAX (303) 733-1112
 WWW.BOHLENERG.COM

| NO. | REVISIONS |
|-----|------------------------|
| 1 | ISSUE FOR PERMIT |
| 2 | ISSUE FOR CONSTRUCTION |
| 3 | ISSUE FOR CONSTRUCTION |
| 4 | ISSUE FOR CONSTRUCTION |
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| 6 | ISSUE FOR CONSTRUCTION |
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| 12 | ISSUE FOR CONSTRUCTION |

NOT APPROVED FOR CONSTRUCTION

PROJECT NO. 20171200
 SHEET NO. 10 OF 10
 ANNANDALE, VIRGINIA
 EXCEPTION PLAN

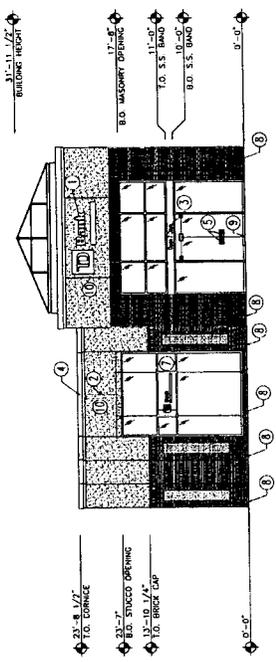


7209 LITTLE RIVER TURNPIKE
 FAIRFAX COUNTY

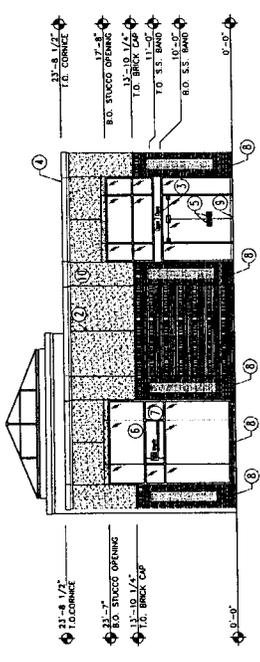
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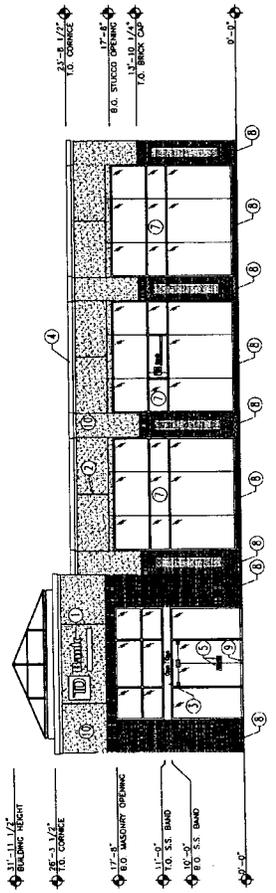
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 SHEET NUMBER: 8
 OF 10



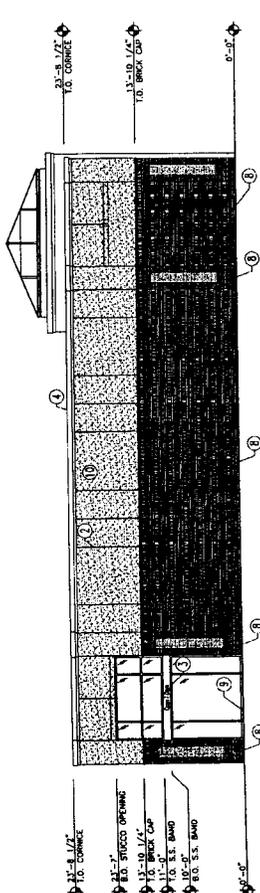
BACKLICK ROAD (WEST)
 1/8" = 1'-0"



SIDE ELEVATION (EAST)
 1/8" = 1'-0"

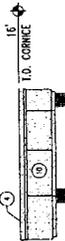


LITTLE RIVER TURNPIKE (NORTH)
 1/8" = 1'-0"



REAR ELEVATION (SOUTH)
 1/8" = 1'-0"

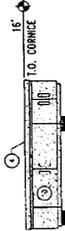
- KEY NOTES**
- 1. INTERNALLY ELIMINATED CHIMNEY LINTERS (BUT/FLOOR LINTERS AND NEED TO 1000)
 - 2. 1" CPV INSET
 - 3. 1/2" S.S. BANDS 1/2" WHITE ALUMINUM
 - 4. 1/2" S.S. BANDS 1/2" WHITE ALUMINUM
 - 5. 1/2" S.S. BANDS 1/2" WHITE ALUMINUM
 - 6. 1/2" S.S. BANDS 1/2" WHITE ALUMINUM
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 - 9. 1/2" S.S. BANDS 1/2" WHITE ALUMINUM
 - 10. 1/2" S.S. BANDS 1/2" WHITE ALUMINUM
 - 11. 1/2" S.S. BANDS 1/2" WHITE ALUMINUM
 - 12. 1/2" S.S. BANDS 1/2" WHITE ALUMINUM



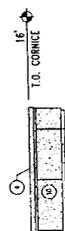
WEST ELEVATIONS



NORTH ELEVATIONS



EAST ELEVATIONS



SOUTH ELEVATIONS

DRIVE THRU ELEVATIONS
 1/8" = 1'-0"

THIS SET OF DRAWINGS IS TO BE USED FOR PERMITTING PURPOSES ONLY. THE USER OF THESE DRAWINGS IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED. THE USER OF THESE DRAWINGS IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED.

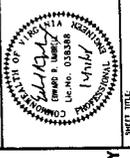
- CHIEF ENGINEER: BOHLER
 PROJECT MANAGER: BOHLER
 DESIGNER: BOHLER
 CHECKER: BOHLER
 DATE: 10/17/2018

| NO. | DESCRIPTION | DATE |
|-----|---------------------------------|------------|
| 1 | ISSUE FOR PERMIT | 10/17/2018 |
| 2 | ISSUE FOR CONSTRUCTION | 10/17/2018 |
| 3 | ISSUE FOR AS-BUILT | 10/17/2018 |
| 4 | ISSUE FOR RECORD DRAWINGS | 10/17/2018 |
| 5 | ISSUE FOR FINAL AS-BUILT | 10/17/2018 |
| 6 | ISSUE FOR FINAL RECORD DRAWINGS | 10/17/2018 |
| 7 | ISSUE FOR FINAL AS-BUILT | 10/17/2018 |
| 8 | ISSUE FOR FINAL RECORD DRAWINGS | 10/17/2018 |
| 9 | ISSUE FOR FINAL AS-BUILT | 10/17/2018 |
| 10 | ISSUE FOR FINAL RECORD DRAWINGS | 10/17/2018 |

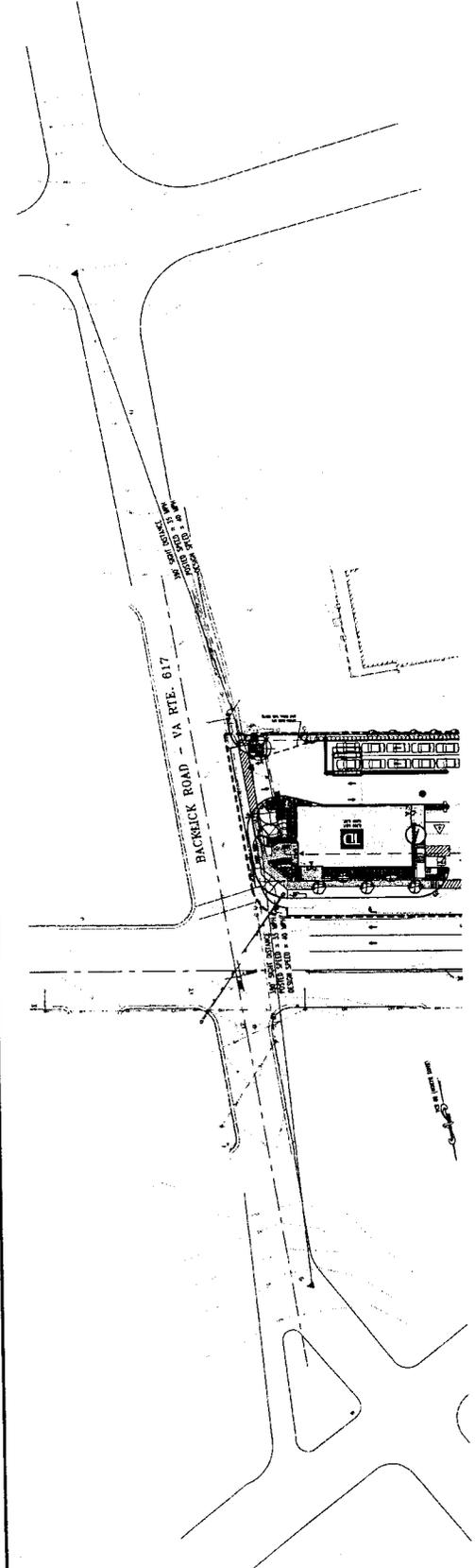
NOT APPROVED FOR CONSTRUCTION
 ANNANDALE, VIRGINIA
 EXCEPTION PLAN
 108



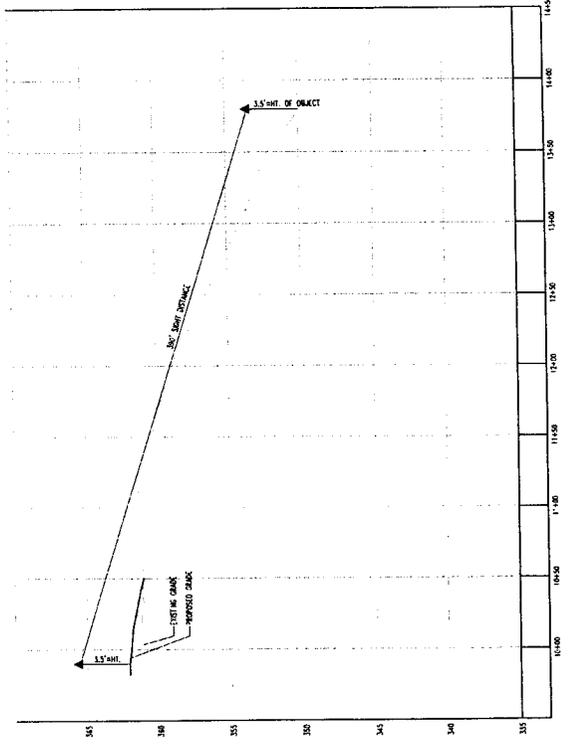
BOHLER
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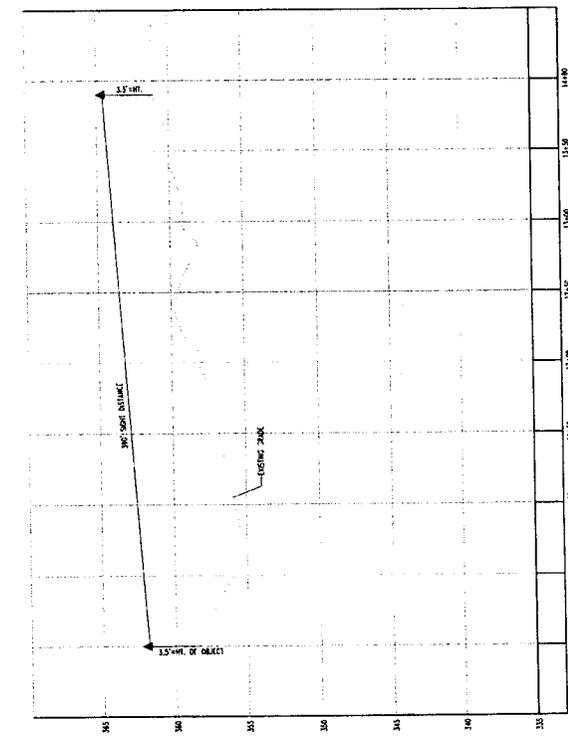
SHEET NO. 9
 OF 10
 SIGHT DISTANCE PLAN AND PROFILE-BOCKLE ROAD
 STREET NUMBER



BACKLICK ROAD SIGHT DISTANCE PLAN VIEW
SCALE: 1"=40' HORIZONTAL



BACKLICK ROAD SIGHT DISTANCE PROFILE
HORIZONTAL SCALE: 1"=40'
VERTICAL SCALE: 1"=4'



BACKLICK ROAD SIGHT DISTANCE PROFILE
HORIZONTAL SCALE: 1"=40'
VERTICAL SCALE: 1"=4'



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| NO. | DATE | DESCRIPTION |
|-----|----------|-------------|
| 1 | 1/1/2011 | INITIAL |
| 2 | 1/1/2011 | INITIAL |
| 3 | 1/1/2011 | INITIAL |
| 4 | 1/1/2011 | INITIAL |
| 5 | 1/1/2011 | INITIAL |
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| 7 | 1/1/2011 | INITIAL |
| 8 | 1/1/2011 | INITIAL |
| 9 | 1/1/2011 | INITIAL |
| 10 | 1/1/2011 | INITIAL |

NOT APPROVED FOR CONSTRUCTION

ANNANDALE, VIRGINIA
 EXCEPTION PLAN



7209 LITTLE RIVER TURNPIKE
 FAIRFAX COUNTY

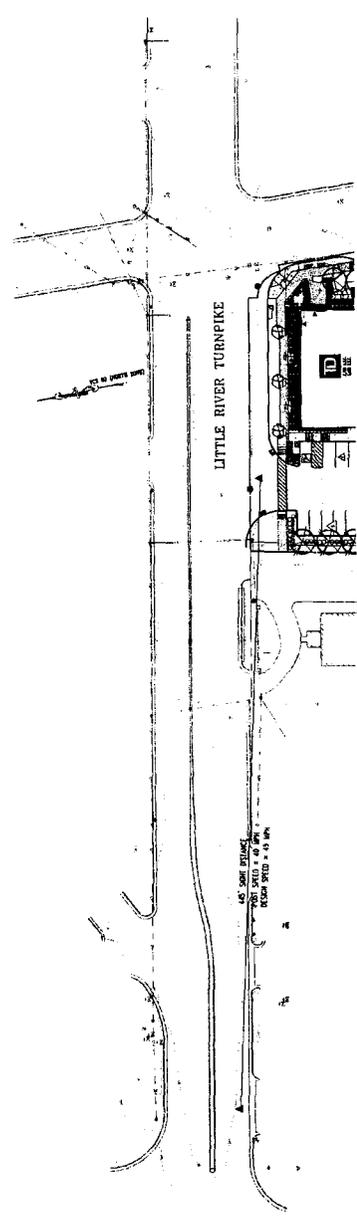


7140 WOOD BRIDGE
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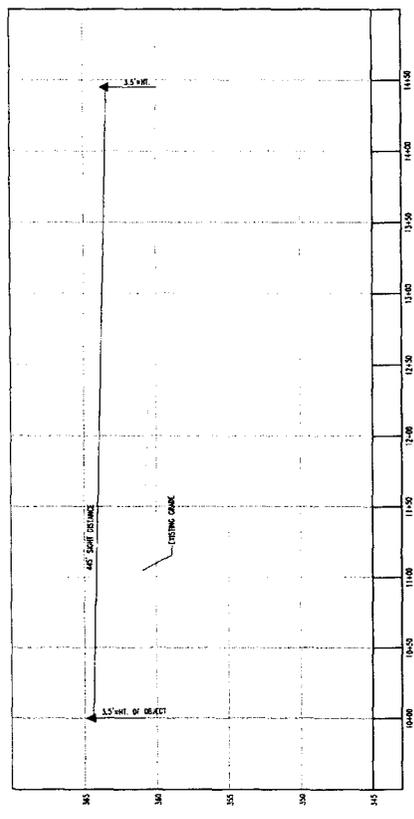


SHEET TITLE
 SIGHT DISTANCE PLAN AND
 PROFILE-LITTLE RIVER TURNPIKE
 SHEET NUMBER

10
 OF 10



LITTLE RIVER TURNPIKE SIGHT DISTANCE PLAN VIEW
 SCALE: 1"=40' HORIZONTAL



LITTLE RIVER TURNPIKE SIGHT DISTANCE PROFILE
 DESIGN SPEED = 45 MPH
 SCALE: 1"=40' HORIZONTAL
 1"=4' VERTICAL



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

DESCRIPTION OF THE APPLICATION

Proposal: The applicant, TD Bank, N.A., seeks approval of a Category 6 Special Exception to construct a 3,790 square foot drive-in financial institution with two remote drive-through windows in a Highway Corridor Overlay (HC) District, and waivers and modifications in a Commercial Revitalization Overlay District (CRD).

Proposed Banking Hours: Lobby
8:30 a.m. – 5:00 p.m., Monday – Wednesday
8:30 a.m. – 8:00 p.m., Thursday and Friday
8:30 a.m. – 3:00 p.m., Saturday
11:00 a.m. – 4:00 p.m., Sunday

Drive-in
7:30 a.m. – 8:00 p.m., Monday – Friday
7:30 a.m. – 6:00 p.m., Saturday
11:00 a.m. – 4:00 p.m., Sunday

Number of Employees: Maximum of twelve (12) employees on site at any one time.

Requested Waivers and Modifications:

- Waiver of minimum lot size.
- Waiver of minimum lot width.
- Waiver of service drive along Little River Turnpike.
- Waiver of minimum front yard requirements along Little River Turnpike (Route 236).
- 20% Parking space reduction.
- Waiver of construction of the required frontage improvements
- Modification of trails requirements.
- Waiver of the on-road bike lane along the Little River Turnpike frontage in favor of right-of-way dedication and an escrow. Modification of streetscape requirements along Little River Turnpike and Backlick Road.
- Modification of the southern drive aisle width.
- Waiver of the loading space requirement

LOCATION AND CHARACTER

The subject property is located in the southwest quadrant of the intersection of Little River Turnpike (Route 236) and Backlick Road (Route 617). Parcel 89 is developed with an existing service station, with two points of access (each) onto Little River Turnpike and Backlick Road. The site has a 2,863 square-foot, one-story concrete and cinder block service station building with four gas pump islands (no canopy); two islands along the Little River Turnpike frontage and two along the Backlick Road frontage. Concrete planters are placed at the end of each gas pump island, and there is a planter box of large shrubs along the property's western boundary. A separate planting strip is located at the southwest corner of the lot. The remainder of the site consists of concrete and asphalt with underground fuel tanks located along the northwest property boundary.

| SURROUNDING AREA DESCRIPTION | | | |
|-------------------------------------|---|---------------|----------------------------|
| Direction | Use | Zoning | Plan |
| North | Little River Turnpike and Fuddrucker's Restaurant | C-8 | Commercial: Retail & Other |
| South | Sorak Garden Restaurant | C-8 | Residential: 8-12 du/ac |
| East | Backlick Road and CVS Pharmacy | C-7 | Commercial: Retail & Other |
| West | Kim's Acupuncture | C-8 | Commercial: Retail & Other |

BACKGROUND

According to County records, the existing service station building was constructed in 1960.

- On March 22, 1960, the Board of Zoning Appeals (BZA) approved Variance VC #6575 to permit the location of pump islands 25 feet from the right-of-way lines of Route 236 (Little River Turnpike) and Route 617 (Backlick Rd).
- On April 8, 1970, As-Built Site Plan #545, entitled "Socony Mobil Oil Co., Inc.", was approved, depicting a one-story service station. Records indicate that the property was developed in accordance with all applicable Zoning Ordinance provisions at the time of development.
- On October 29, 1984, the Board of Supervisors (BOS) approved SE 84-M-075 for the expansion of the existing service station and a 225 sf quick-service food store. The service station expansion was never completed and that portion of the SE expired.

- On May 5, 2005, Non-Residential Use Permit (Non-RUP) #A-0150-05 was issued to Annandale Mobil for a service station, subject to the conditions set forth in SE 84-M-075, which allowed a 225 square foot quick-service food store.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

| | |
|-------------------------|---|
| Plan Area: | Area I |
| Planning Sector: | Annandale Planning District, Annandale Community Business Center, Sub-Unit C-3 |
| Plan Map: | Other Uses - Retail/Office Mixed Uses |
| Plan Text: | Fairfax County Comprehensive Plan, 2007 Edition, Area I, Baileys Planning District, as amended through August 6, 2007, Baileys Crossroads Community Business Center, Land Use, pages 36-39: |

LAND UNIT C

"Land Unit C is located at the center of the Annandale CBC between Annandale/Ravensworth Roads, to the west, and Columbia Pike/Backlick Road, to the east. It is located on both sides of Little River Turnpike and is planned as the focal point of the Annandale CBC Town Center area. This land unit is currently developed with a broad range of community-serving retail, office, business service, restaurant, and residential uses including many commercial uses operating in converted residences.

Plan flexibility is provided in this land unit with mixed-use projects as well as residential development encouraged. In general, any redevelopment or revitalization efforts within this land unit should provide for streetscape improvements, parking lot landscaping, and improvements to signage and building facades.

Within the overall planning concept for the CBC, the following recommendations apply to specific portions of Land Unit C

Sub-Unit C-3

Sub-Unit C-3 is bounded by Little River Turnpike, Ravensworth Road, John Marr Drive and Backlick Road. It includes nearly eleven acres and is developed with a variety of retail, restaurant, self-storage, and service business uses. It is planned for retail/office mixed use at an intensity up to .50 FAR with parking lot landscaping, streetscape, and pedestrian linkages with adjacent higher-density residential areas should be provided. Buildings should be four to five stories in height. Ground-level retail use is encouraged. Also, effective screening and buffering should be provided on the southern edge of this sub-unit adjacent to existing higher-density residential

uses. Because this area serves as a visual entry point to the Annandale CBC from the south, new uses adjacent to Little River Turnpike, Backlick, and Ravensworth Roads should present a primary facade to those streets and provide sidewalk access and landscaping complementary to streetscape improvements planned for the area.

Higher-Intensity Option, Town Center--The northern half of Sub-Unit C-3 is oriented to Little River Turnpike and its intersections with Ravensworth and Backlick Roads. This portion of the sub-unit is considered to be within the Annandale CBC Town Center area. Higher-intensity retail/office mixed use up to .70 FAR may be considered for this area provided that the following conditions are met:

- Parcel consolidation of at least two acres occurs;*
- Parking is located to the rear or below grade with the primary building facades facing Little River Turnpike, and/or Ravensworth or Backlick Roads;*
- Retail uses are located on the ground floor with direct public access and display windows oriented to the street;*
- Building height is limited to 60 feet with potential of 75 feet for a top story incorporated into an architectural roof element;*
- Shared parking and street access among uses located on the same or adjacent sites are provided;*
- Articulated rooflines and/or building corner features, such as entries or towers, are provided; and*
- Streetscape treatments and pedestrian amenities, such as outdoor seating areas, works of art, ornamental plantings, or water features, are provided.”*

ANALYSIS

Special Exception Plan (Copy at front of staff report)

Title of SE Plat: TD Bank Special Exception Plan, SE 2007-MA-034
7209 Little River Turnpike, Annandale, Virginia

Prepared By: Bohler Engineering

Original and Revision Dates: October 17, 2007, as revised through
December 31, 2008

Please note: During the preparation of this staff report, a revised Special Exception Plat dated February 5, 2009, was submitted by the applicant; as there was not

adequate time to review and comment on this submission prior to the publication of the staff report, an addendum will be published prior to the Planning Commission to address further changes made with this revision.

| SE PLAT SHEET INDEX | |
|---------------------|---|
| Sheet # | Contents |
| 1 | Cover Sheet |
| 2 | Existing Conditions and Existing Vegetation Map Plan |
| 3 | Site Plan |
| 4 | Landscape Plan |
| 5 & 6 | Preliminary Stormwater Management Plan |
| 7 | Lighting Plan |
| 8 | Building Elevations |
| 9 | Sight Distance Plan and Profile – Backlick Road |
| 10 | Sight Distance Plan and Profile – Little River Turnpike |

The following features are depicted on the SE Plat:

- *Building:* The SE Plat shows a one-story, 32.5 foot-high brick, stucco and glass building with a maximum of 3,790 square feet of floor area. (The plat depicts a net square footage as 3,790 square feet, and gross square footage as 3,600 square feet. Staff's analysis is based on the larger of the two numbers since, by definition, net square footage cannot exceed the gross square footage.) The building is 83 by 45.67 in dimension (3,790 square feet) as indicated on the SE Plat, with the long side of the building parallel to Little River Turnpike. Entrances to the building are shown on both the north (facing Little River Turnpike) and east (facing Backlick Road) sides of the building.
- *Right-of-way dedication:* The SE Plat shows right-of-way dedication up to 67 feet from centerline, which will accommodate the implementation of the Fairfax County Transportation Plan for the widening of Little River Turnpike to a six-lane divided roadway. In addition to the six-lane widening, an on-road bike lane, a 6-foot wide concrete trail and a service drive are also recommended by the Comprehensive Plan along this section of Little River Turnpike; these features are not accommodated by the proposed 67 feet of right-of-way.
- *Access:* A single full access entrance is proposed along both Little River Turnpike and Backlick Road. Interparcel access is shown to the C-8 property to south (Sorak Garden Restaurant, Tax Map 71-1 ((1)) 91) and to the C-8 property to the west

(Kim's Acupuncture, Tax Map 71-1 ((1)) 88); the final location of the western interparcel access is to be determined at site plan. Two-way travel aisles are provided through the site to the west and south of the bank building; the southern travel aisle has a reduced width of twenty-two feet. There are two detached drive-through lanes shown, with one-way access heading to the east (Backlick Road) through the drive-through lanes.

- *Parking:* The SE Plat has been revised to depict twelve permanent parking spaces (although the tabulations still reflect a previous submission which depicted an additional three temporary spaces on site, which would be removed when the interparcel access to the west is installed.)
- *Streetscape/sidewalks/pedestrian area:* A combination of offsite and onsite streetscape improvements is proposed along the site's Little River Turnpike frontage. A 4-foot high screening wall is shown fronted by a strip of evergreen shrubs, west of the site entrance. The Backlick Road streetscape includes a 6-foot wide brick sidewalk and an entry/planting area with trees and shrubs between the sidewalk and building. No curbside planting is proposed along Backlick Road. A total of six acorn-style light posts are proposed along both the Little River Turnpike and Backlick Road frontages. Details regarding the proposed bench, trash receptacle, bicycle racks and acorn lights are shown on Sheet 4.
- *Additional Landscaping:* Deciduous and ornamental landscaping and ground cover is shown to be planted around the foundation of the proposed building; in four foot wide landscape strips along the western and southern property lines; and in an approximately two foot wide planted island north of the drive-through lanes.
- *Architecture:* Sheet 8 of the SE Plat depicts the proposed building with architectural details shown on all four facades. The notes indicate that the building materials will consist of brick, stucco and spandrel glass, topped with a cast stone cornice. The pillars along the outside edge of the drive-through canopy are shown to be constructed with materials similar to the main building. A canopy is shown extending entirely over the northern-most drive-thru lane and a section of the second lane to the south.
- *Signage:* the SE Plat shows a free-standing monument sign to be located in the vegetated area at the corner of Little River Turnpike and Backlick Road. Sheet 8 shows wall-mounted signage consisting of internally illuminated, green individual letters over each building entrance; one facing Little River Turnpike and the other facing Backlick Road. Green "TD" door pulls are on each door entrance. Green illuminated signage with the "TD Bank" logo is shown suspended from the open glass areas on the north, east and west sides of the building.

- *Stormwater Management (SWM)*: SWM is not required for this site as the post-development peak runoff is less than the pre-development condition. However, the applicant proposes to install two tree box filterra structures to capture runoff from the proposed development and provide water quality mitigation. The filterra structures will provide 20% phosphorous removal efficiency, exceeding the 10% minimum requirement.

Land Use Analysis (Appendix 4)

Issue: Use, Compatibility and Intensity:

The Comprehensive Plan recommends that this site be developed with retail/office mix at an intensity of up to 0.50 FAR, with the provision of parking lot landscaping and streetscape improvements consistent with the recommendations for the Annandale CBC. As part of the envisioned Annandale Town Center area, the Comprehensive Plan also provides an option for higher-intensity retail/office mix at an intensity of up to 0.70 FAR, if several site specific conditions are met. The applicant is proposing a 3,790 sf building, which equates to an FAR of 0.14, well below the maximum intensity which would be permitted by the Comprehensive Plan. While the Comprehensive Plan envisions more intense development, within a four to five story building, the bank will be designed and constructed with an elevated roof and will have a maximum building height of approximately 32 feet, thereby providing a visual mass equivalent to a two story building. Consequently, staff believes that the proposed use, while significantly less intense than that envisioned by the Comprehensive Plan for this area of the Annandale CBC, is in general harmony with the basic land use recommendations.

Issue: Building Siting, Streetscape and Landscaping

The Comprehensive Plan identifies this area as a focal point which serves as a visual entry point into the Annandale CBC, as well as part of the envisioned Town Center. As such, the Comprehensive Plan recommends that new uses adjacent to Little River Turnpike and Backlick Road present a primary façade to both streets, and provide sidewalk access and landscaping complementary to streetscape improvements planned for the area. In accordance with this recommendation, the proposed building is strategically sited in the northeast corner of the property to take advantage of its dual orientation to both Little River Turnpike and Backlick Road. The building will be highly visible from both roadways, and the view will be unobstructed by parked cars, as the proposed drive-thru lanes and parking spaces are to be located at the rear and (west) side of the building. In order to attempt to better screen the view of the parking lot from Little River Turnpike, the applicant has also incorporated a four foot high screening wall along the northern edge of the westernmost parking strip, west of the entrance drive.

The Comprehensive Plan provides streetscape guidance for Little River Turnpike as follows. The pedestrian area from the street curb to the building should include: a

curbside planting strip of at least 4 feet in width with shade trees spaced 40 to 50 feet on center; a 6-foot wide sidewalk; and a secondary planting strip of at least 4 feet in width planted with shade trees spaced 40 to 50 feet on center between the sidewalk and building. On pages 3 and 4 of the Special Exception plat, the proposed Little River Turnpike interim right-of-way cross section and landscape plans depict: a curbside strip ranging in width from approximately 6.5 feet to approximately 8.5 feet; a 6-foot wide brick sidewalk, with three inset areas for street tree plantings; and an 8.8 foot wide secondary planting strip between the building and sidewalk, planted with two additional shade trees and a number of small shrubs. While the proposed interim plantings generally address the Comprehensive Plan's recommendations for a streetscape treatment, it must be noted that the majority of this area is located within the right-of-way to be dedicated. All streetscape improvements located within the proposed right-of-way will be conditional upon the granting of the appropriate license agreements to install and maintain improvements; it will also need to be demonstrated to VDOT's satisfaction that all plantings will not interfere with the required sight distance lines at the site entrance and the intersection. While it is noted that the Comprehensive Plan for the Annandale CBC is the currently the subject of a special study, which may affect the recommendations for roadway improvements, it must also be noted that if the current Plan recommendations for transportation improvements are implemented, there will be little, if any landscaping remaining along Little River Turnpike.

The following streetscape guidance from the Comprehensive Plan applies to Backlick Road. The pedestrian area should include at a minimum: a curbside planting area of at least 4 feet in width planted with shade trees 25 to 30 feet on center, and a 6-foot wide sidewalk. On page 4 of the Special Exception plat, the area along Backlick Road depicts: no planting area along the curb; a 6-foot wide brick sidewalk which merges into a small bricked entry feature which includes a seating bench and bicycle racks. A small entry/planting area containing four small/ornamental trees and shrubs is also located between the sidewalk and building. While the proposed landscaping along this frontage does not meet the Comprehensive Plan guidance, it does create a permanent, pedestrian-friendly entry way along Backlick Road, which Staff believes satisfies the intent of the Plan.

The special exception plan depicts 12 parking spaces located in the western portion of the property, with no interior parking lot landscaping. While interior parking lot landscaping is not required for fewer than 20 parking spaces, the Comprehensive Plan specifically calls for parking lot landscaping in this area, and the applicant has been encouraged to provide it. Parking lot landscaping not only would soften the visual impact of development and parking but could also serve as a water control/quality measure.

In addition to the proposed streetscapes along Little River Turnpike and Backlick Road, four-foot wide landscaped strips are proposed along the site's western and

southern boundaries. (It should be noted that, although the landscape strip along the western boundary is graphically depicted as being approximately twelve feet in width, it is labeled on the Special Exception plat as a four foot landscape strip.) Building foundation plantings are also proposed around all sides of the bank, and a planting island, approximately two feet in width, defines the northern boundary of the drive-thru lanes.

While the proposal does not meet all streetscape guidance from the Comprehensive Plan, (especially at the time of ultimate R-O-W dedication for Little River Turnpike,) in staff's opinion the proposal is a significant improvement over the existing condition of the site which is largely devoid of any landscaping amenities. It is also recognized that, given the size of the site and development requirements associated with the proposed bank with drive thru lanes, strict conformance to all streetscape guidance is not achievable.

Environmental Analysis (Appendix 4)

Issue: Water Quality

The applicant originally proposed a single tree box filterra to capture runoff from the proposed development. While the proposed development will result in a reduction of runoff, staff encouraged the applicant to further reduce impervious surface areas and provide expanded runoff control measures, in accordance with the overall policies of the Comprehensive Plan. In response to staff's suggestion, the applicant has proposed an additional tree box fiterra structure, for a total of two on-site BMP facilities. The filterra structures will provide 20% phosphorous removal efficiency, exceeding the 10% minimum requirement. This issue is resolved.

Issue: Green Building Policy

The Policy Plan recommends that developments which are seeking changes in use and are located in designated areas, such as the Annandale Community Business Center, attain basic Leadership in Energy and Environmental Design (LEED) certification through the U.S. Green Building Council or other comparable program with third party certification at a minimum. The applicant has committed to meet minimum requirements for a LEED certified project as noted on Sheet 3 of the SE Plat. Staff has proposed development conditions which would require the project to meet basic LEED certification and provide a contribution of \$60,000 to a green building escrow. With the adoption of the proposed development conditions, this issue would be resolved.

Transportation Analysis (Appendices 5 & 6)

Issue: Right-of-Way Dedication; Waiver of the On-Road Bike Lane

Fairfax County's Transportation Plan recommends the widening of Little River Turnpike to a six lane divided roadway; in addition, along this section of the roadway, an on-road

bike lane, trail and service drive are also recommended. The SE plat depicts a right-of-way dedication of sixty-seven feet from the centerline; because appropriate provisions for interparcel access to the west and south have now been provided, and discussions with FCDOT's bicycle coordinator have indicated that a waiver of the on-road bike lane would be supported, it is Staff's determination that the proposed right-of-way dedication is sufficient at this time. In lieu of the provision of the on-road bike lane, Staff has requested that the applicant provide an escrow of \$1600 towards the provision of necessary bicycle signage in the Annandale area; a development condition addresses this request. The SE Plat also depicts frontage improvements along Little River Turnpike to be built by the applicant; Staff is not recommending the construction of these improvements at this time.

Issue: Backlick Road Entrance

The site currently has two access points to Backlick Road; the applicant proposes to close the northern-most access point, but is proposing to retain one full-access point, located to the south of the proposed bank building. The proposed location of the full-access site entrance along Backlick Road causes significant negative impacts to the traffic operations at the intersection of Little River Turnpike and Backlick Road. The full-access entrance will allow vehicles to attempt to make left turns to enter the site from the northbound left turn lane of Backlick Road. The entering vehicle will have to wait for a gap to appear in southbound traffic in order to safely make the turn to enter into the site and, in doing so will delay northbound vehicles attempting to turn left onto Little River Turnpike. Considering the volume of vehicles passing through all directions of this intersection, the proposed entrance configuration is likely to increase left turn queue lengths and wait times for vehicles on Backlick Road, as well as to pose a safety hazard.

The complications at this entrance are further exacerbated by the site's proposed circulation pattern, which employs both detached drive-thru lanes and two-way circulation. Vehicles entering the site from Backlick Road are aligned with vehicles exiting the site, creating the potential for head-on collisions. Staff has consistently recommended that the applicant provide a one-way circulation pattern along this section of the site and eliminate the possibility of a left-hand turn into the site from northbound traffic along Backlick Road as a means of improving site circulation and mitigating the traffic impacts to the Little River Turnpike and Backlick Road intersection. While the applicant has modified the original design somewhat by slightly shifting the travelway for entering vehicles and removing the concrete island originally proposed at the Backlick entrance (as suggested by FCDOT), it remains possible that the vehicles will not strictly obey the intended shift and will be met with oncoming vehicles. VDOT has expressed conflicting views on whether a concrete island at the site entrance would be beneficial to circulation, but has strongly suggested that the applicant consider an alternative layout where the bypass lane is placed south of the drive-thru to eliminate driver confusion and the potential for head-on conflicts. FCDOT supports this

suggestion and has recommended that the applicant consider this alternative layout as a means of improving site circulation and mitigating the impact on the Little River Turnpike and Backlick Road intersection. Until these issues are resolved, staff does not support the proposed use.

Issue: Interparcel Access

Staff advised the applicant that the redevelopment of this property should provide for interparcel access to adjacent parcels to the west (Tax Map 71-1 ((1)) 88) and south (Tax Map 71-1 ((1)) 91) in order to provide the potential for circulation through the adjoining sites; in addition, the applicant was advised that an appropriate turn radius must be provided both for vehicles entering the site from Little River Turnpike and for those utilizing the western interparcel access. The applicant responded to this concern by revising the Special Exception plat to depict interparcel access which will be constructed to adjacent parcels on the west and south of the application site. As the ultimate location of the interparcel access to the west is unknown, an interparcel access agreement will be secured along the entire western property line adjacent to Tax Map 71-1 ((1)) 88 (Kim's Acupuncture) prior to site plan approval. Staff has proposed a development condition requiring the applicant to provide public access easements to be recorded over both the interparcel access to the west and south, and to require adequate turn radius from Little River Turnpike. With the adoption of this development condition, this issue is resolved, and a waiver of the service drive requirement for Little River Turnpike is supported by Staff.

Issue: Sight Distance

Staff has noted that the vegetation depicted on the SE Plat conflicts with sight distance lines at the Backlick Road entrance. This vegetation must either be removed or relocated to avoid sight distance conflicts. The sight distance exhibit shown on Sheet 10 of the SE Plat for the entrance onto Little River Turnpike is incorrect and must be revised to show the sight distance for the Little River Turnpike entrance to depict both its current condition and as it would appear after the planned road widening is implemented. This concern remains outstanding, but Staff has proposed a development condition that requires the applicant to demonstrate that the site meets appropriate sight distances at all entrances, including the removal or relocation of any vegetation which poses a conflict, prior to site plan approval. With the adoption of this development condition, this issue is resolved.

Issue: Insufficient Parking

The SE Plat depicts a proposed building that is 83 feet by 45.67 feet in dimension (3,790 square feet). Based on this building size, there must be a minimum of 16 parking spaces provided on-site. If a 20% parking reduction is applied, as permitted in the CRD, the minimum required number of parking spaces would be thirteen. A total of

twelve permanent parking spaces are provided onsite, which does not meet the minimum required parking for this use. The applicant has indicated that the net square footage shown on the SE Plat is incorrect and the applicant intends to submit revised plans which would correct this typographical error. At the time of preparation of this report, those revisions had not been submitted or reviewed by staff. Staff has proposed a development condition that requires the applicant to demonstrate at site plan that the site will meet the minimum required parking for this use. With the adoption of this development condition, this issue will be resolved.

Public Facilities Analysis (Appendix 7)

Issue: Trails

In accordance with the Countywide Trails Plan and the Public Facilities Manual (PFM), a 6-foot wide, Type IV (concrete) trail is required along Little River Turnpike and Backlick Road. The applicant requests a modification of these requirements and proposes to provide a 6-foot wide brick sidewalk along each frontage on Little River Turnpike and Backlick Road in lieu of the required concrete trails. The Mason District Trails and Sidewalks Committee Representative reviewed the applicant's requests for a modification of the trails requirements and supports granting these modifications, provided the streetscape improvements are implemented.

The proposed brick sidewalk along Backlick Road is located outside of the right-of-way, and therefore does not pose a maintenance concern. Staff supports a modification of the trails requirement along Backlick Road in favor of the proposed brick sidewalk and modified streetscape.

Staff continues to express serious concern that all but approximately one foot of the proposed brick sidewalk along the Little River Turnpike frontage is to be located in the dedicated VDOT right-of-way. The applicant has been repeatedly advised to contact VDOT to determine if the proposed brick sidewalk would be maintained by VDOT; if not, an appropriate license agreement for the improvements located in the right-of-way must be obtained to permit the interim location of these facilities (as well as the proposed landscaping). Staff has proposed a development condition which would require the applicant to obtain the appropriate license agreements from VDOT prior to site plan approval. However, due to the extremely tight site design, and the concerns of the Trails Committee that the waiver only be supported if the required streetscape is provided, staff does not believe that the modification of the trail requirement along Little River Turnpike should be granted until it is determined whether or not VDOT will approve the plans as currently submitted, as the worst case scenario would leave little or no streetscape along Little River Turnpike.

Issue: On-road bike lane

The Fairfax County Transportation Plan recommends the construction of a 5-foot wide on-road bike lane for this section of Little River Turnpike. The applicant has dedicated 67 feet right-of-way from centerline along the application site’s Little River Turnpike frontage, which includes an extended-width right turn lane to accommodate potential bicycle traffic. The Mason District Trails and Sidewalks Committee Representative recommends approval of the waiver request on the condition that the applicant provides way-finding signage. Staff supports the approval of a waiver of the construction of the on-road bike lane along the Little River Turnpike frontage, provided an escrow of \$1,600 towards bike signage in the Annandale area is provided; a development condition has been proposed to address this concern.

ZONING ORDINANCE PROVISIONS

| Bulk Standards (C-8, Highway Commercial District) | | |
|---|---|--|
| Standard | Required | Provided |
| Lot Size | 40,000 sq ft (minimum) | 28,083 sq ft * |
| Lot Width | 200 feet (minimum) | 134 feet * |
| Building Height | 50 feet (maximum) | 32.5 feet |
| Front Yard | 20 feet (minimum) | 10 feet ** - (North) Little River Tnpk 28 feet - (East) Backlick Rd |
| Side Yard (South) | No Requirement | 10 feet (from canopy); 53 feet from building |
| Rear Yard (West) | 25 feet (minimum) | 87 feet |
| FAR | 0.5 | 0.14 |
| Open Space | 15% | 19 % |
| Tree Cover | 10% (2,418.3 sq ft) | 10.2% (2,500 sq ft) |
| Parking Spaces | 16 spaces (3,790 sf bldg) 13 spaces = 20% Reduction (4 spaces/ 1,000 sf of gfa) | 12 spaces *** |
| Stacking Spaces | 10 | 10 |

- * The applicant has requested a waiver of the minimum lot size and minimum lot width requirements under the provision of waivers and modifications permitted in a Commercial Revitalization District (Sect. 9-622).
- ** The applicant has requested a waiver of the minimum front yard requirement along Little River Turnpike (Sect. 9-625).
- *** 20% parking space reduction requested. The three (3) temporary spaces can’t be counted towards the parking requirement.

Waivers/Modifications

Waiver of minimum lot size and lot width

The application site has a lot area of 28,083 square feet (a minimum of 40,000 square feet are required in the C-8 District) and lot width of 134 feet (a minimum of 200 feet are required). The applicant has requested a waiver of both requirements. In accordance with the provisions of Sect. 2-405 of the Zoning Ordinance, if a lot was recorded prior to the effective date of the Ordinance (August 1978), and met the requirements of the Ordinance in effect at that time, then that lot may be used for any use permitted in the zoning district in which it is located, even though it does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other Zoning Ordinance requirements can be met. The application site is a lot which has existed since 1960, and which met all Ordinance requirements at the time it was created; therefore these waivers are not required

Waivers and Modifications in a Commercial Revitalization District:

Sect. 9-622 of the Zoning Ordinance permits the Board of Supervisors to approve certain waivers and modifications in designated Commercial Revitalization Districts in conjunction with the approval of a special exception; these include minimum lot size, minimum yard and/or open space requirements. As previously discussed, a waiver of the minimum lot size requirement is not required, but a modification of the minimum front yard requirement along Little River Turnpike is required for the application as currently proposed. Par. 2 of Sect. A7-107 of the Zoning Ordinance provides that, in the Annandale Commercial Revitalization District

"...the minimum front yard shall be 20 feet, unless the adopted Comprehensive Plan specifies a front yard requirement that is equal to or less than the front yard requirement of the underlying zoning district, in which case, the minimum front yard shall be accordance with the comprehensive plan, provided that any plantings, streetscape treatments or other amenities set forth in the adopted comprehensive plan are also provided in general accordance with the comprehensive plan. In addition, modifications or waivers of the minimum yard requirements as specified in this district, the adopted comprehensive plan or the underlying zoning district may be approved by the Board in accordance with the provisions of Sect. 9-622."

The Comprehensive Plan recommends a minimum front yard of 15-20 feet in order to implement the streetscape plan for Little River Turnpike. The Special Exception plat depicts a ten foot front yard along Little River Turnpike, which does not provide for the streetscape treatment recommended by the Comprehensive Plan; although an acceptable treatment can be accommodated in the interim (subject to obtaining the appropriate license agreements), it must be noted that, if the current planned transportation improvements for Little River Turnpike are implemented, little, if any streetscape will remain along this frontage. Consequently, staff cannot support this modification.

20% Parking space reduction

Sect. A7-509 of the Zoning Ordinance states that the minimum off-street parking requirements for any non-residential use may be reduced by twenty (20) percent by the Board when it is demonstrated by the applicant and determined by the Board that such a reduction is in furtherance of the goals of the Commercial Revitalization District as set forth in the adopted comprehensive plan. The applicant has requested a 20% reduction of 15 parking spaces for the proposed use to permit 12 parking spaces. However, based on the square footage currently depicted on the SE Plat (3,790 square feet), the site requires 16 parking spaces. A 20% reduction of this requirement means that a minimum of 13 spaces are required on site. The number of parking spaces provided, (12 spaces), does not provide sufficient parking for the site's use. The applicant has stated that the Special Exception plat is in error; provided the applicant can correct the plat to demonstrate that adequate parking is available on site for the proposed use after the 20% reduction is applied, staff would support this modification, but cannot with the current submission.

Waiver of service drive requirement

In accordance with the Zoning Ordinance, all primary highways must be served by an adjacent and parallel service drive, unless this requirement is waived by the Department of Public Works and Environmental Services (DPWES). The applicant is willing to construct the required connections and provide interparcel access to adjacent parcels to the west (Tax Map 71-1 ((1)) 88) and south (Tax Map 71-1 ((1)) 91) which provide circulation through the site. Staff has proposed a development condition requiring the applicant to provide public access easements to be recorded over both points. As the ultimate location of the interparcel access to the west is unknown, an interparcel access agreement shall be secured along the entire western property line adjacent to Tax Map 71-1 ((1)) 88 (Kim's Acupuncture), outside of the area impacted by the planned Little River Turnpike road improvements. An appropriate turn radius must be provided for vehicles entering the site from Little River Turnpike. With the adoption of this development condition, staff supports the waiver of the service drive requirement in favor of interparcel access to the western and southern property boundaries.

Waiver of requirement to construct frontage improvements

As depicted on the SE Plat, the applicant has dedicated 67 feet of right-of-way from centerline to accommodate future planned road improvements to Little River Turnpike. Given the amount of right-of-way dedication provided, and the fact that there is a current study pending which may impact the final design for Little River Turnpike, staff supports the request to waive the construction of frontage improvements along Little River Turnpike.

Modification of all trail requirements to allow 6-foot wide brick sidewalk in lieu of a 6-foot wide concrete trail

In accordance with the Countywide Trails Plan and the Public Facilities Manual (PFM), a 6-foot wide, Type IV (concrete) trail is required along Little River Turnpike and Backlick Road. The applicant proposes to provide 6-foot wide brick sidewalks along both the Little River Turnpike and Backlick Road frontages in lieu of the required concrete trails. Staff does support a modification of the trails requirement along Backlick Road in favor of the proposed brick sidewalk and modified streetscape. Staff supports the modification of the trail requirement along Little River Turnpike if either the proposed sidewalk is relocated out of VDOT right-of-way, or if it can be demonstrated that the ultimate road improvements will leave the proposed sidewalk intact and the appropriate license agreements can be obtained from VDOT.

Waiver of the on-road bike lane (dedication provided)

The dedicated right-of-way along Little River Turnpike will accommodate an extended-width right turn lane for potential bicycle traffic. The Mason District Trails and Sidewalks Committee Representative recommends approval of the waiver request on the condition that the applicant provides way-finding signage. Staff supports the waiver of the on-road bike lane along the Little River Turnpike frontage in favor of the right-of-way dedication as depicted on the Special Exception plat and provision of an escrow of \$1,600 towards bike signage in the Annandale area.

Modification of streetscape requirements along Little River Turnpike and Backlick Road

Zoning Ordinance Sec. A7-409-5-B-(2), states, for redevelopments or new developments, the provisions of Par. 1 of Sect.13-202 shall be applicable. However, where there are landscaping or design provisions in the adopted comprehensive plan which recommend a planting strip or other streetscape treatment with the same or lesser width or different plant materials than those required by Sect. 13-202, then the provisions of the adopted comprehensive plan shall apply. As provided in the Little River Turnpike Streetscape Design Guidelines, buildings should have a setback of 15-20 feet, and the pedestrian area from the street curb to the building should include: a curbside planting strip of at least 4 feet in width with shade trees spaced 40 to 50 feet on center; a 6-foot wide sidewalk; and a secondary planting strip of at least 4 feet in width planted with shade trees spaced 40 to 50 feet on center between the sidewalk and building.

The SE Plat depicts a 10-foot building setback where the majority of the streetscape treatments are placed in dedicated VDOT right-of-way. A curbside area, planted with sod, is shown east of the Little River Turnpike entrance. This area varies in width from 8.5 feet to 6.5 feet; no curbside planting is shown west of this entrance. Adjacent to the curbside sod, three street trees are inset into the 6-foot wide brick sidewalk. As all but approximately a foot of the improvements described above are located offsite within the right-of-way that is planned for street widening, staff does not support this modification request; the proposed streetscape is likely to be eliminated in the future when the planned improvements for Little River Turnpike are implemented.

As previously noted, the recommended streetscape treatment for Backlick Road consists of a 4 to 5-foot wide curbside planting area supplemented with ornamental plantings and tree groupings at points of entry into the CBC; a 6-foot wide sidewalk; a browsing area 4 to 6 feet in width for retail frontage, or a 5-foot wide landscaped area for non-retail frontage. In this instance, the building is set back 28 feet from the curb along Backlick Road. As shown on the SE Plat, an on-site, 6-foot wide brick paver sidewalk is proposed that leads to a small brick-paved plaza at the building's entrance. The plat shows a seating bench and bicycle racks on the plaza. A sodded entry/ planting area consisting of a mixture of ornamental trees and shrubs is located adjacent to the building. Staff believes the proposed treatment fulfills the intent of the Comprehensive Plan, and therefore supports the proposed modification of the streetscape guidelines along Backlick Road.

Waiver of the Required Loading Space

Sect. 11-200 of the Zoning Ordinance requires provision of a loading space for the proposed use. The applicant has requested a waiver of this requirement as the proposed financial institution does not receive standard deliveries or trash pickups which would utilize a loading space. This is consistent with the practices of other financial institutions, and staff does not object to this waiver.

Other Zoning Ordinance Requirements:

Special Exception Requirements (Appendix 11)

General Special Exception Standards (Sect. 9-006)

General Standard 1 requires that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan. As previously discussed, Staff believes that the proposed use is in general harmony with the basic land use recommendations of the Comprehensive Plan. It is also recognized that, given the size of the site and development requirements associated with the proposed bank with drive thru lanes, strict conformance to all streetscape guidance may not be achievable. Therefore, staff believes that this standard has been generally satisfied.

General Standard 2 requires that the proposed use be in harmony with the general purpose and intent of the applicable zoning district regulations. This proposal to construct a drive-through financial institution as currently filed, is not in conformance with the Zoning Ordinance; if the application is revised to provide adequate parking tabulations, this standard could be deemed to be satisfied.

General Standard 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. Two of the four existing site entrances will be closed so as to limit the number of access points directly onto Little River Turnpike and Backlick Road. In addition, the application will improve access to

the adjacent properties to the west and south by providing a two-way travel way for interparcel access and an access easement will be established. With the execution of the associated development conditions, staff believes that this standard will be met.

General Standard 4 requires that the proposed use 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. As discussed in the transportation analysis, while the proposal does limit the number of access points from major arterials, as currently designed, the Backlick Road entrance, coupled with the two-way circulation pattern along the site's southern boundary, creates hazardous vehicle conflicts both internal to the site and which impacts the intersection at Little River Turnpike and Backlick Road. Therefore, staff believes that this standard has not been satisfied.

General Standards 5, 6, 7 and 8 require that landscaping, screening, open space, adequate utility, drainage, signage, parking and loading spaces be regulated in accordance with the Zoning Ordinance; however, the Board of Supervisors may impose more strict requirements for a given use than those set forth in the Ordinance. There are no transitional screening or barrier requirements for this site. Open space in the amount of 19% will be provided, which is in excess of the 15% minimum requirement of the Zoning Ordinance. The SE plat shows a monument sign in accordance with the recommendations of the Comprehensive Plan. Staff has proposed a development condition to ensure all signs on the site will be in accordance with Article 12 of the Zoning Ordinance. The applicant has requested a waiver of the required loading space, which staff supports. However, at the time of this report, on-site parking is deficient; therefore, until the Special Exception plat is revised to provide the required parking, these standards have not been met.

Provisions for Approving...Drive-In Financial Institutions...in a Highway Corridor Overlay District (Sect. 9-611)

The Board may approve a special exception for the establishment 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 such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties. The Special Exception plat shows two interparcel access connections to improve access to the adjacent properties to the west and south; a proposed development condition would require the provision of a public access easement.

Paragraph 1B requires that such a use shall have access designed so not to impede traffic on a public street intended to carry through traffic. The The Special Exception plat shows a full access entrance to the site along its Backlick Road frontage that is

highly likely to impede traffic flow along Backlick Road. Staff believes that this standard has not been met.

Paragraph 1C requires that there shall be no outdoor storage or display of goods offered for sale. With implementation of the development conditions, this standard will have been met.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds the proposed drive-in financial institution is not in conformance with the applicable provisions of the Zoning Ordinance. The applicant has proposed a development where vehicular traffic associated with the use will be hazardous and will conflict with the existing and anticipated traffic using the intersection of Little River Turnpike and Backlick Road, contrary to Zoning Ordinance provisions. In addition, the proposal does not provide suitable permanent streetscape elements along Little River Turnpike that are in harmony with the Comprehensive Plan. Both of these concerns, could be addressed with the redesign of the development. The applicant has not revised the Special Exception plat to address these concerns and has not provided the minimum required parking spaces. Due to these outstanding issues, staff believes that the application is not in harmony the recommendations of the Comprehensive Plan or the applicable Zoning Ordinance provisions.

Recommendation

Staff recommends denial of SE 2007-MA-034. However, if it is the intent of the Board of Supervisors to approve SE 2007-MA-034, staff recommends that the approval be made subject to the development conditions contained 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.

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.

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
- 3A. Previously Approved SE 84-M-075 Plat and Development Conditions
4. Plan Citations, Land Use and Environmental Analyses
5. Transportation Analysis – FCDOT
6. Transportation Analysis – VDOT
7. Public Facilities Analysis
8. Stormwater Management Analysis
9. Office of Community Revitalization and Reinvestment Analysis
10. Urban Forest Management Analysis
11. Applicable Zoning Ordinance Provisions
12. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SE 2007-MA-034

March 11, 2009

If it is the intent of the Board of Supervisors to approve SE 2007-MA-034 located at 7209 Little River Turnpike (Tax Map 71-1 ((1)) 89) for a drive-in financial institution in a Highway Corridor Overlay District pursuant to Sect. 9-622 and Sect. 7-607 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation on the permitted site.
4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "TD Bank Special Exception Plan, SE 2007-MA-034, 7209 Little River Turnpike, Annandale, Virginia", prepared by Bohler Engineering and dated October 17, 2007 as revised through December 31, 2008, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. Architecture of the financial institution and its related drive-thru facilities shall be in substantial conformance with that depicted on the Special Exception Plat, as determined by DPWES.
6. A maximum of two drive-thru window lanes, including ATMs, shall be allowed.
7. At the time of site plan approval, or upon demand (whichever occurs first), right-of-way to 67 feet from the centerline as shown on the SE Plat, shall be dedicated to the Board of Supervisors in fee simple along the site's Little River Turnpike frontage.

8. In lieu of providing an on-road bike lane along Little River Turnpike, \$1600 shall be deposited in an escrow account to be utilized for the provision of way-finding signage in the Annandale CBC and/or the surrounding area.
9. At the time of site plan approval, the applicant shall provide for public access easements to be recorded over the interparcel access to the south (Tax Map 71-1 ((1)) 91) as shown on the SE Plat, and along the entire property line of the parcel to the west (Tax Map 71-1 ((1)) 88). Prior to the establishment of the interparcel connection, it shall be demonstrated that the ultimate location of said interparcel access meets appropriate turn radius requirements for vehicles entering the site from Little River Turnpike, as determined by FCDOT.
10. Prior to site plan approval, a parking tabulation shall be submitted for the review and approval of DPWES to demonstrate that adequate parking has been provided for the financial institution. If it cannot be demonstrated that adequate parking is available, the building shall be reduced in size until the provisions of Article 11 are met.
11. The applicant shall install the modified streetscape elements and materials on Backlick Road as shown on the SE Plat, including a black metal bench, a trash receptacle of similar style and color, acorn-style light posts, and U-shaped bicycle racks.
12. The modified streetscape treatment along Little River Turnpike shall be provided in substantial conformance with that depicted on the SE Plat, subject to the procurement of the necessary license agreements to permit the location and maintenance of the proposed streetscape improvements within the right-of-way. If the appropriate license agreements can not be obtained, a streetscape design and materials in substantial conformance with that depicted on the SE Plat shall be located on the application property, including the proposed acorn lights; if the modified streetscape can not be located on the application property, a Special Exception Amendment shall be required.
13. The landscape strip depicted along the western property boundary shall be a minimum of twelve feet in width, as graphically depicted on the SE Plat, and shall be planted in substantial conformance with the treatment depicted on the SE Plat, as determined by UFM.
14. An appropriate turn radius shall be provided for vehicles entering the site from Little River Turnpike. No streetscape materials shall obscure sight lines from the site entrances at Backlick Road or Little River Turnpike; plant materials shall be relocated on site as approved by UFM.
15. All approved modifications including parking lot modifications and streetscape improvements shall be completed prior to the issuance of a Non-RUP.
16. As depicted on the SE Plat, a 6-foot wide brick sidewalk shall be installed along the Little River Turnpike and Backlick Road frontages in lieu of 6-foot wide concrete trails. A public access easement shall be recorded over the sidewalks

and shall extend to the property line, as well as allow for construction easements and other public purposes necessary to the functioning of the roads, such as signage.

17. A landscape plan shall be submitted concurrent with site plan review and shall demonstrate that a minimum of 15% open space and 10% tree cover has been provided on site, as approved by UFM. At a minimum, on-site landscaping shall be provided that is consistent with that depicted on the SE Plat. A copy of the landscape plan, including any modifications to the proposed streetscape necessitated the road improvements to Little River Turnpike, shall be submitted to the Annandale Central Business Planning Committee for review and comment prior to final site plan approval.
18. The proposed bank building shall meet minimum requirements for a LEED certified project as determined by the U.S. Green Building Council, or other third-party certification, and a letter of credit or a bond shall be posted in the amount of \$60,000 to a "Green Building Escrow".
19. Two tree box filterras shall be provided to enhance water quality, in substantial conformance to that shown on the SE Plat. Such facilities shall be constructed and maintained in accordance with the PFM Standards, as determined by DPWES.
20. The monument sign shall be in substantial conformance with that shown on the SE Plat, and shall be located in a manner which is determined not to interfere with minimum sight distance. Irrespective of that shown on the SE Plat, all signage shall meet the requirements of Article 12 of the Zoning Ordinance. Pole mounted signs shall not be permitted on site. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on site.
21. 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.
22. There shall be no outdoor storage or display of goods offered for sale on-site.

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

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless 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: February 11, 2009
 (enter date affidavit is notarized)

I, Lori K. Murphy, 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 98062e

in Application No.(s): SE 2007-MA-034
 (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.)

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|--|--|---|
| TD Bank, N.A. | 2035 Limestone Road Wilmington, DE 19808 | Applicant/Lessee |
| H & P Investments, Inc. Aboolhossein (NMI) Ejtemai | 8720 Ewing Drive Bethesda, MD 20814 | Title Owner/Lessor |
| Bean, Kinney & Korman, P.C. Frederick R. Taylor Lori K. Murphy | 2300 Wilson Blvd., 7th Floor Arlington, VA 22201 | Attorney/Agent Attorney/Agent Attorney/Agent |
| Bohler Engineering, P.C. Ed Umbrell Travis D'Amico | 22630 Davis Drive, Suite 200 Sterling, VA 20164 | Agent for Applicant Agent Agent |

(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.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

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

Special Exception Attachment to Par. 1(a)

DATE: February 11, 2009
 (enter date affidavit is notarized)

98062e

for Application No. (s): SE 2007-MA-034
 (enter County-assigned application number (s))

(NOTE: All relationships to the application 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.)

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|--|---|--|
| M.J. Wells & Associates, Inc., f/k/a M.J. Wells & Associates, L.L.C. Jennifer N. Carpenter | 1420 Spring Hill Road, Suite 600 McLean, VA 22102 | Agent/Traffic Engineer Agent |
| Interstate Development Services, LLC A. Mack Gaither | 1700 Horizon Way, Suite 100 Mt. Laurel, NJ 08054 | Former Developer Former Agent |
| Commerce Bank, N.A. | 1701 Route 70 East Cherry Hill, NJ 08034 | Former Applicant/Lessee |

(check if applicable)

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 11, 2009
 (enter date affidavit is notarized)

98062e

for Application No. (s): SE 2007-MA-034
 (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) TD Bank, N.A.
 2035 Limestone Road
 Wilmington, DE 19808

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

TD Banknorth Inc.

(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: February 11, 2009
(enter date affidavit is notarized)

98062e

for Application No. (s): SE 2007-MA-034
(enter County-assigned application number (s))

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

TD Banknorth Inc.
Two Portland Square
Portland, ME 04101

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)

TD US P&C Holdings, ULC

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

TD US P&C Holdings, ULC
900 Home Oil Tower
324-8th Avenue S.W.
Alberta Calgary, T2P 2Z2 Canada

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 Toronto-Dominion 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 Attachment to Par. 1(b)

DATE: February 11, 2009
(enter date affidavit is notarized)

98062e

for Application No. (s): SE 2007-MA-034
(enter County-assigned application number (s))

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

The Toronto-Dominion Bank
P.O. Box 1
Toronto-Dominion Centre
Toronto, Ontario
M5K 1A2, Canada

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 Toronto-Dominion Bank is a publicly traded company and shareholders change daily.

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

H & P Investments, Inc.
8720 Ewing Drive
Bethesda, MD 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)

Aboolhossein (NMI) Ejtemai
Steven P. Afsahi

(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: February 11, 2009
(enter date affidavit is notarized)

98062e

for Application No. (s): SE 2007-MA-034
(enter County-assigned application number (s))

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

Bean, Kinney & Korman, P.C.
2300 Wilson Blvd., 7th Floor
Arlington, VA 22201

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)

James W. Korman
Jonathan C. Kinney

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

Bohler Engineering, P.C.
22630 Davis Drive, Suite 200
Sterling, VA 20164

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)

Ludwig H. Bohler
Eric L. Steinfeldt

(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: February 11, 2009
(enter date affidavit is notarized)

98062e

for Application No. (s): SE 2007-MA-034
(enter County-assigned application number (s))

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

Commerce Bank, N.A.
1701 Route 70 East
Cherry Hill, NJ 08054

(former Applicant/lessee)

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)

Commerce Bancorp, Inc.

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

Commerce Bancorp, Inc.
1701 Route 70 East
Cherry Hill, NJ 08054

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)

*Commerce Bancorp, Inc. is a publicly traded company on the New York Stock Exchange and shareholders change daily.

(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: February 11, 2009
(enter date affidavit is notarized)

98062e

for Application No. (s): SE 2007-MA-034
(enter County-assigned application number (s))

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

Interstate Development Services, LLC
1700 Horizon Way, Suite 100
Mt. Laurel, NJ 08054

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)

Keneth E. Lowther
John P. Silvestri

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

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, VA 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)

M.J. Wells & Associates, Inc. Employee
Stock Ownership Trust (ESOT). *

* All employees are eligible plan participants; however, no one employee owns more than 10% of any class of stock.

(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: February 11, 2009
(enter date affidavit is notarized)

98062e

for Application No. (s): SE 2007-MA-034
(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)
None

(check if applicable) [] 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)

(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: February 11, 2009
(enter date affidavit is notarized)

98062e

for Application No. (s): SE 2007-MA-034
(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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 11, 2009
(enter date affidavit is notarized)

98062e

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.)

Frederick R. Taylor made a contribution exceeding \$100 to Sharon Bulova on January 24, 2009.

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) Lori Murphy
[] Applicant [x] Applicant's Authorized Agent

Lori K. Murphy, Esquire
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 11th day of February, 2009, in the State/Comm. of Virginia, County/City of Arlington.

Lesly C. Lopez
Notary Public

My commission expires: 11/30/2011





AUG 14 2008

Zoning Evaluation Division

REVISED STATEMENT OF JUSTIFICATION
August 12, 2008

Special Exception Application
 Application of Commerce Bank, N.A.
 Case Name: Commerce Bank – Annandale
 Case Number: SE 2007-MA-037
 GPIN# 0711 01 0089

1. Zoning

a. This is an application under Zoning Ordinance Sections 4-802(11) (C-8 Highway Commercial District), 9-601(7) (special exception for drive-in bank in a Highway Corridor Overlay District; 9-611 (provisions for approving drive-in banks) to allow a drive-in bank; 7-500 (Sign Control Overlay District); 7-600 (Highway Corridor Overlay District); and A7-100 (Annandale Commercial Revitalization District).

b. The applicant also seeks various waivers as are allowed pursuant to Articles 9-622 and A7-104 and as are more specifically set forth here:

- Waiver of the minimum lot area requirement per Article 4-806(1).
- Waiver of the minimum lot width requirement per Article 4-806(2).
- A waiver of the 5' on-road bike route on Little River Turnpike per Article 17;
- A waiver of the front building setback requirements as is based on the comprehensive plan per Article 9-622(3);
- A waiver of the service drive requirement along Little River Turnpike per Article 17.
- A waiver of the right of way requirements along Little River Turnpike as is recommended in the Comprehensive Plan; and
- A waiver of the 8' trail requirements along Little River Turnpike per Article 17.

c. The applicant further seeks Board approval to reduce the parking requirement by 20% as is allowed in Appendix 7, Article 109 of the Annandale Community Revitalization District Plan. Article A7-109(3)(A).

2. Proposed Operation

The proposed bank will be a drive-in bank with two remote drive-through windows (both teller operated). The proposed bank will provide banking services to the area and identify a critical part of the community with a full service bank, one that offers hours of operation that meet the realistic needs of its neighbors and one at which bank officers will be on site for what would be considered extended hours in this area. This will allow the bank to meet the full range of customers' banking needs.



The hours of operation of the proposed bank would be as follows:

| | Lobby | Drive-in |
|------------------------------|--------------|-----------------|
| Monday-Wednesday | 8:30-5:00 | 7:30-8:00 |
| Thursday & Friday | 8:30-8:00 | 7:30-8:00 |
| Saturday | 8:30-3:00 | 7:30-6:00 |
| Sunday | 11:00-4:00 | 11:00-4:00 |

The number of employees at any one time will not exceed twelve.

3. Location of Property and Current Use

The subject property is located at the southwest corner of Little River Turnpike (Rt. 236) and Backlick Road (Rt. 617). Presently, the subject property is improved with a Sunoco Gas Station. The existing gas station structure will be demolished and a new bank will be constructed.

4. Surrounding Area

The surrounding land uses include primarily restaurant and retail uses. Specifically, Sorak Garden Restaurant is located to the south of the property and Kim's Acupuncture is located to the west of the site. North of the site, across Little River Turnpike, is a Fuddrucker's Restaurant and to the east of the site, across Backlick Road, is a CVS pharmacy.

5. Special Exception Application

The General Special Exception Standards, Fairfax County Code Sec. 9-006, provide, in part, that the proposed use be in harmony with the Comprehensive Plan and zoning regulations. The proposed development is in harmony with the Comprehensive Plan, which permits a drive-in bank.

The proposed building, utility locations, landscaping and parking lot configurations are subject to final engineering, but will remain in substantial conformance as depicted on the Special Exception Plat. The Special Exception Plat includes seven sheets:

- Sheet One: Cover Sheet
- Sheet Two: Existing Conditions Plan & EVM
- Sheet Three: Site Plan
- Sheet Four: Landscaping Plan
- Sheet Five: Preliminary SWM Plan
- Sheet Six: Preliminary SWM Plan
- Sheet Seven: Lighting Plan
- Sheet Eight: Building Elevations

The proposed development includes a 3,900 square foot Commerce Bank with an FAR of 0.14. The overall parcel is 28,083 square feet, or 0.644 acres. The bank proposed is an urban



design and would be located at the northeast corner of the site with the drive-through and parking located behind the building at the rear of the site. In keeping with the urban design recommendation, Commerce Bank has deviated from its standard prototype design by engineering this proposed building to stand 32.5 feet in height, as opposed to the standard 28 feet of most Commerce Bank branches.

The bank proposes a four foot landscape strip along both the southern and western property lines.

6. Traffic Impact of Proposed Use

This site is located in a general commercial area. Therefore, an increase in traffic on the roads bordering the site, on Little River Turnpike and Backlick Road, should be minimized because the bank will draw primarily upon customers that are already visiting the area retail uses, and restaurants.

7. Access and Connectivity

The proposed use fronts on the corner of Little River Turnpike and Backlick Road. Access to the site will be provided from a right-in/right-out access point on Little River Turnpike. An additional full movement access point is located along Backlick Road. Connectivity to the adjacent properties is provided by a six-foot brick sidewalk. Additionally, the bank has added proposed acorn lights along the sidewalk extending from the Little River Turnpike side to the Backlick side. Both the brick sidewalk and the acorn lights were requested by the Annandale Central Business District's Revitalization Committee and approved by the Mason District Land Use Committee.

8. Description of Facade and Architecture

The bank architecture will be a one story building that conforms to the recognizable image of other Commerce Bank branches. Commerce operates more than 300 branches in the northeast and the architecture of their banks is consistent with their branding efforts. This application represents Commerce's fifth venture into Fairfax County, and twelfth in Northern Virginia and it is important that the bank maintain its established identity.

The materials used in the building include red brick, exterior butt-joined glass windows and doors, a creamy white EFIS, and a white cast stone accent.

9. Conformity to Comprehensive Plan Provisions, Applicable Ordinances and Waivers

The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or for the waivers, exception or variance sought by the applicant, from such ordinances, regulations, standards and conditions, as are specifically noted with this justification. In this case, the applicant also seeks waivers pursuant to Article 9-622 and A7-104 and is set forth in the beginning of this statement of justification.



The subject property is located in the Annandale Community Business Center within the Annandale Planning District. Specifically, the subject property is included in Land Unit C-3. This planning sector recommends that this area be redeveloped with retail/office mixed use at an intensity of up to a maximum FAR of 0.50. The applicant's FAR is 0.14.

The site plan is designed such that an interparcel connection could be made to the adjoining parcels.

The subject property is also located within a Highway Corridor Overlay District and is a regulated use pursuant to Section 7-601. Access to the site is provided by a right-in/right-out from Little River Turnpike and a full movement access from Backlick Road. Connectivity to the site is provided by a six-foot concrete sidewalk along both Backlick Road and Little River Turnpike. Internal to the site, connectivity is provided by the use of brick pavers.

The subject property is also located within the Annandale Commercial Revitalization District and is subject to the use limitations addressed in Section A7-100. The Annandale Commercial Revitalization District was established to encourage economic development activities in this older commercial area of the county in order to provide desirable employment and enlarge the tax base. The district is also intended to provide for additional flexibilities for development and redevelopment in these areas while also providing for urban design measures such as streetscape and landscaping. *See* Section A7-101.

Additionally, the subject property is located within the Sign Control Overlay district and is subject to the provisions of Section 7-500.

Waivers

A. The applicant requests a waiver of the minimum lot area requirement, §4-806(1), pursuant to the provisions for waiving a minimum lot size requirement, §9-622(1)(A). The Fairfax County Zoning Ordinance requires the minimum lot area to be 40,000 square feet. The total site area for the subject property is 28,083 square feet.

B. The applicant requests a waiver of the minimum lot width requirement, §4-806(2), pursuant to the provisions for waiving a minimum lot size requirement, §9-622(1)(A). The Fairfax County Zoning Ordinance requires the minimum lot width to be 200 feet. The total width of the subject property is ±134 feet.

C. The applicant requests a waiver of the front building setback requirements as is provided in comprehensive plan per Article 9-622(3).

- Specifically, Article 4-807(2) provides that the front yard requirement (there are two front yards for this application) shall be controlled by a 45° angle of bulk plane, but not less than 40 feet. However, the 2007 edition of the Fairfax County Comprehensive Plan provides that buildings should be setback 15 to 20 feet from the street curb for those buildings located in the Town Center Area of the Annandale Community Business Center. *Page 23, Area I, Fairfax County Comprehensive Plan.*



The proposed plan shows a setback of 28 feet along Backlick Road and approximately 10 feet along Little River Turnpike.

- The applicant is making right of way dedication along Little River Turnpike but understands that the currently proposed requirements may no longer be required after the Annandale Business Corridor study is reviewed and approved. Because the right of way improvements may not be required, the applicant seeks a waiver of any requirement to complete the dedicated improvements as part of site plan review and approval.

D. The applicant requests a waiver of the on-road bike route on Little River Turnpike as is required per Article 17. Pursuant to the Countywide Trail Plan, a five foot on-road bike route is required on Little River Turnpike. County Staff has been contacted and the applicant is providing a 65 foot right-of-way from centerline to right of way edge on the property.

E. A waiver of the service drive requirement along Little River Turnpike per Article 17. This waiver is allowed if the applicant can demonstrate that there is no existing or proposed vehicular travel lane abutting the subject property on either side, as is the case here.

- The plan has been designed such that future interparcel access is provided for both adjacent properties.
- The Highway Corridor Overlay District section of Fairfax County provides that drive-in banks are subject to use limitations favoring access, in part, by a functional service drive. *Section 7-608(1)(B)(3)*. Although this is not a formal code requirement, it has been discussed with staff. If such a requirement were imposed, we would request a waiver of same. The bank's transportation study shows that the drive-in bank does not impede traffic on Little River Turnpike. In fact, the proposed bank actually reduces the transportation impact at this intersection – the current use, a gas station, has a more significant impact on the traffic system

F. The applicant requests a waiver of right of way requirements from the Comprehensive Plan recommendation in favor of extensive right of way dedication. The applicant is providing a 14' left turn lane, two 12' thru lanes, and a 14' right turn lane that includes a 2' gutter pan. Overall, the applicant proposes a dedication of 65 feet, which will include a 6.5' planted area and a 6' brick sidewalk.

- The subject property is not wide enough to provide for additional dedication to satisfy the request for 74' of right of way and any such requirement would be tantamount to a condemnation of the property. However, the site plan has been revised to provide for additional right of way dedication along Little River Turnpike. The revised site plan shows 65' feet of right of way. This would allow for the following: a 14' left turn lane, two 12' thru lanes, and a 14' right turn lane that includes a 2' gutter pan. Overall, the applicant proposes a dedication of 65 feet, which will also include a 6.5' planted area and a 6' brick sidewalk. The right of way dedication would follow the guidelines for roads as



set forth in AASHTO. Any dedication greater than 65' would effect a total take of the property.

- There are several reasons to support the proposed right of way dedication. First, it avoids a condemnation of the property. Secondly, in addition to the limitation imposed by the narrow property width, it is important to acknowledge that the proposed bank use will generate less traffic impact than the current gas station use. The bank proposal will have no more impact on Route 236 or Backlick Road than the gas station.
- Third, the citizens of the Commercial Revitalization District for Annandale and Mason District Land Use Committee have expressed a desire to develop Route 236 as a pedestrian-friendly road. The special exception plan shows the bank building situated at the corner of the site. The combination of the building sitting at the corner, together with a less-wide road, serves as a traffic calming device. Similarly, the absence of a full width right turn lane would serve as an additional traffic calming device. Although this right of way does not meet the County's current preference, it meets AASHTO guidelines, the VDOT requirements, and the citizens' preference. Finally, a corridor study, currently underway at Fairfax County, has reviewed various transportation scenarios for the Annandale Business District and that the results of that study may indicate a preference for a more pedestrian-friendly road. As such, the proposed dedication would meet the goal of a calmer Route 236.

G. A waiver of the 8' trail requirements along Little River Turnpike per Article 17. The applicant is providing a six foot brick sidewalk as matches the Columbia Pike Streetscape cross section and has been approved by both the Annandale Business Commercial Revitalization Committee and Mason District Land Use District.

H. The applicant further seeks Board approval to reduce the parking requirement by 20% as is allowed in Appendix 7, Article 109 of the Annandale Community Revitalization District Plan. Article A7-109(3)(A).

10. Hazardous Conditions and Recycling

There are no known hazardous or toxic substances under Federal, State or Local regulation to be generated, utilized, stored, treated, and/or disposed of on this site or otherwise associated with this application.

Commerce Bank does not use dumpsters or dumpster enclosures due to the nature of the business which requires protection of confidential financial data. Approximately one kitchen-sized bag of kitchen garbage plus confidential trash, which is bagged separately, is removed by a Commerce Bank courier and shredded and recycled.



11. Environment and Stormwater Management Facilities

There are no significant environmental features (wetlands, streams, and habitat) on this site. The proposed site is currently improved with a Sunoco Gas Station. Best Management Practices will be provided for the subject site through one underground on-site stormfilter structure.

No storm water management for the subject site is required because the post-development peak runoff does not exceed the pre-development runoff.

12. Landscaping

Commerce Bank prefers to exceed the County's requirements for greenspace. In this case, the interior landscaped area required is 5% and 599.1 square feet. As is shown on the Landscaping Plan, the bank will provide 650 square feet of interior landscaped area. The total tree cover required is 10%, or 2,418.3 square feet. In this case, the bank will provide 10.17%, or 2,440 square feet of landscaping.

As is indicated on the "Landscaping Plan," the applicant will plant a mix of shade trees, evergreen trees, ornamental trees and evergreen shrubs throughout the property. The specific varieties of greenspace provided are set forth on the Landscaping Plan on Sheet 4 of 8.

A handwritten signature in cursive script that reads "Lori K. Murphy".

Frederick R. Taylor

Lori K. Murphy

Attorneys and Agents for the Applicant

August 12, 2008



COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

November 5, 1984

Mr. Charles L. Shumate
Bettius, Fox and Carter
10521 Judicial Drive
Fairfax, Virginia 22030

Re: Special Exception
Number SE 84-M-075

Dear Mr. Shumate:

At a regular meeting of the Board of Supervisors held on October 29, 1984, the Board approved Special Exception Number SE 84-M-075, in the name of Mobil Oil Corporation, located as Tax Map 71-1 ((1)) 89 for an expansion of a service station and establishment of a quick service food store pursuant to Section 4-804 of the Fairfax County Zoning Ordinance, 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.
3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat and these conditions.
4. All of the proposed open space should be landscaped to the satisfaction of the Director of the Department of Environmental Management.
5. The quick service food store shall be limited to 225 square feet of the existing building.

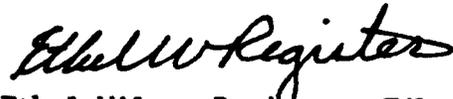
SE 84-M-075
November 5, 1984

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.

Under Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, eighteen (18) months after the approval date of the Special Exception unless the activity authorized has been established, or unless construction has commenced, and is diligently pursued, or unless additional time is approved by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of the approval of this Special Exception. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator prior to the expiration date.

If you have any questions concerning this Special Exception, please give me a call.

Very truly yours,



Ethel Wilcox Register, CMC
Clerk to the Board of Supervisors

EWR/mmg

cc: Samuel A. Patterson, Jr.
Supervisor of Assessments
✓ Gilbert R. Knowlton, Deputy
Zoning Administrator
Wallace S. Covington, Jr., Chief
Permit, Plan Review Branch
Richard D. Faubion, Acting Division Director
Zoning Evaluation Division
Ted Austell, III
Executive Assistant to the County Executive



County of Fairfax, Virginia

MEMORANDUM

DATE: July 2, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Land Use Analysis & Environmental Assessment: SE 2007-MA-034
Commerce Bank – Annandale CBC

The memorandum, prepared by John Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the special exception plat dated October 17, 2007 revised through June 9, 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, is requesting special exception approval to permit a 3,900 square foot bank with drive-thru lanes for a property zoned C-8, CRD (Commercial Revitalization District), SC (Sign Control Overlay District) and HC (Highway Corridor Overlay District) located at the southwest corner of the intersection of Little River Turnpike (Route 236) and Backlick Road (Route 617). A total of twelve employees are proposed for this facility at any given time. The applicant is seeking a waiver of the minimum lot area, a waiver of the minimum lot width, parking reduction, a waiver of the setback requirements, waiver of the on-road bike lane requirement along Little River Turnpike, a waiver of the service drive requirement, a waiver of frontage improvement requirements, and a waiver of right-of-way requirements.

LOCATION AND CHARACTER OF THE AREA

The property is located at the southwest corner of the intersection of Little River Turnpike (Route 236) and Backlick Road (Route 617). The property is located within the Annandale Community Business Center (CBC). The property is currently developed with a gas station with four pump islands. The property is zoned C-8, CRD (Commercial Revitalization District), SC (Sign Control

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/



Overlay District) and HC (Highway Corridor Overlay District). Adjacent properties are zoned C-7 and C-8, and developed with a pharmacy, an acupuncture facility and restaurants.

COMPREHENSIVE PLAN CITATIONS:

Land Use

Fairfax County Comprehensive Plan, 2007 Edition, Area I, Baileys Planning District, as amended through August 6, 2007, Baileys Crossroads Community Business Center, Land Use, pages 36-39:

“LAND UNIT C

Land Unit C is located at the center of the Annandale CBC between Annandale/ Ravensworth Roads, to the west, and Columbia Pike/Backlick Road, to the east. It is located on both sides of Little River Turnpike and is planned as the focal point of the Annandale CBC Town Center area. This land unit is currently developed with a broad range of community-serving retail, office, business service, restaurant, and residential uses including many commercial uses operating in converted residences.

Plan flexibility is provided in this land unit with mixed-use projects as well as residential development encouraged. In general, any redevelopment or revitalization efforts within this land unit should provide for streetscape improvements, parking lot landscaping, and improvements to signage and building facades.

Within the overall planning concept for the CBC, the following recommendations apply to specific portions of Land Unit C

Sub-Unit C-3

Sub-Unit C-3 is bounded by Little River Turnpike, Ravensworth Road, John Marr Drive and Backlick Road. It includes nearly eleven acres and is developed with a variety of retail, restaurant, self-storage, and service business uses. It is planned for retail/office mixed use at an intensity up to .50 FAR with parking lot landscaping, streetscape, and pedestrian linkages with adjacent higher-density residential areas should be provided. Buildings should be four to five stories in height. Ground-level retail use is encouraged. Also, effective screening and buffering should be provided on the southern edge of this sub-unit adjacent to existing higher-density residential uses. Because this area serves as a visual entry point to the Annandale CBC from the south, new uses adjacent to Little River Turnpike, Backlick, and Ravensworth Roads should present a primary facade to those streets and provide sidewalk access and landscaping complementary to streetscape improvements planned for the area.

Higher-Intensity Option, Town Center--The northern half of Sub-Unit C-3 is oriented to Little River Turnpike and its intersections with Ravensworth and Backlick Roads. This portion of the sub-unit is considered to be within the Annandale CBC Town Center area. Higher-

intensity retail/office mixed use up to .70 FAR may be considered for this area provided that the following conditions are met:

- Parcel consolidation of at least two acres occurs;
- Parking is located to the rear or below grade with the primary building facades facing Little River Turnpike, and/or Ravensworth or Backlick Roads;
- Retail uses are located on the ground floor with direct public access and display windows oriented to the street;
- Building height is limited to 60 feet with potential of 75 feet for a top story incorporated into an architectural roof element;
- Shared parking and street access among uses located on the same or adjacent sites are provided;
- Articulated rooflines and/or building corner features, such as entries or towers, are provided; and
- Streetscape treatments and pedestrian amenities, such as outdoor seating areas, works of art, ornamental plantings, or water features, are provided.”

Environment

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, on page 7 through 9, the Plan 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. . . .

Policy j. Regulate land use activities to protect surface and groundwater resources.

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques.

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations. . . .

Programs to improve water quality in the Potomac River/Estuary, and Chesapeake Bay will continue to have significant impacts on planning and development in Fairfax County. There is abundant

evidence that water quality and the marine environment in the Bay are deteriorating, and that this deterioration is the result of land use activities throughout the watershed. . . .

In order to protect the Chesapeake Bay and other waters of Virginia from degradation resulting from runoff pollution, the Commonwealth has enacted regulations requiring localities within Tidewater Virginia (including Fairfax County) to designate "Chesapeake Bay Preservation Areas". Within which land uses are either restricted or water quality measures must be provided. Fairfax County has adopted a Chesapeake Bay Preservation Ordinance pursuant to these regulations."

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, on pages 17 through 19, the Plan states:

"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:

- 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 b. Ensure that zoning proposals for nonresidential development and zoning proposals for multifamily residential development of four or more stories within the Tyson's Corner Urban Center, Suburban Centers, Community Business Centers and Transit Station Areas as identified on the Concept Map for Future Development incorporate green building practices sufficient to attain certification through the LEED program or its equivalent, where applicable, where these zoning proposals seek at least one of the following:

- Development in accordance with Comprehensive Plan Options;
- Development involving a change in use from what would be allowed as a permitted use under existing zoning;
- Development at the Overlay Level; or
- Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range. . . .

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: Retail and other

LAND USE ANALYSIS

The subject property is currently developed with a gas station with four pump islands. Except for a few scattered planter boxes, the site is predominately covered with asphalt and concrete. The applicant is requesting a special exception to replace the existing gas station with a drive-thru bank. While the applicant is seeking some modifications in the application of streetscape guidelines as

recommended by the Comprehensive Plan for this site, staff believes that the proposed bank use and overall approach to improvements at this location are generally consistent with the land use recommendations of the Comprehensive Plan.

Use and Compatibility

The Comprehensive Plan recommends that the site be developed with retail/office mixed use at an intensity up to .50 floor area ratio (FAR) with the provision of parking lot landscaping and streetscape. The Comprehensive Plan recommends that buildings in this area should be four to five stories in height. The Comprehensive Plan also envisions the site to be part of the Annandale CBC Town Center area and under this development scenario, the Comprehensive Plan provides an option for higher-intensity retail/office mixed use up to .70 FAR if several site-specific conditions are met. The proposed drive thru bank at this location is generally consistent with the surrounding character of this area and provides a substantial level of improvement to the subject property. While the Comprehensive Plan envisions more intense development within a four to five story structure, the proposed bank will only be one story. However, the bank will be designed and constructed with an elevated roof and will have a maximum building height of approximately 32 feet, thereby appearing to be a two to three story building. Staff finds that proposed drive thru bank is generally in harmony with the basic land use recommendations of the Comprehensive Plan for this area.

Intensity

The Comprehensive Plan recommends that development be limited to 0.50 FAR for Sub-unit C-3 of the Annandale CBC or be limited to .70 FAR under the Town Center option. The applicant is proposing a 3,900 square foot building at an FAR of approximately 0.14. This floor area ratio is well below the maximum level of intensity recommended by the Comprehensive Plan for this area.

Siting, Streetscape and Landscaping

According to the Comprehensive Plan, this area serves as a visual entry point to the Annandale CBC. As such, the Comprehensive Plan recommends that new uses adjacent to Little River Turnpike, Backlick, and Ravensworth Roads present a primary facade to those streets and provide sidewalk access and landscaping complementary to streetscape improvements planned for the area. In accordance with this Comprehensive Plan recommendation, the proposed bank building is strategically sited in the northeast corner of the property to take advantage of its orientation to both Little River Turnpike and Backlick Road. From both these roads, the bank will be highly visible and will not be blocked by any parked cars. Drive thru lanes and parking spaces are proposed to be located at the rear and on the side of the bank, respectively.

The Comprehensive Plan provides streetscape guidance for Little River Turnpike as follows. The pedestrian area from the street curb to the building should include: a curbside planting strip of at least 4 feet in width with shade trees spaced 40 to 50 feet on center; a 6-foot wide sidewalk; and a secondary planting strip of at least 4 feet in width planted with shade trees spaced 40 to 50 feet on center between the sidewalk and building. On pages 3 and 4 of the special exception plan, the

proposed Little River Turnpike interim R-O-W cross section and landscape plan depict: a 5-foot wide curbside strip planted with four shade trees; a 6-foot wide brick sidewalk; and a 10-foot wide secondary strip between the building and sidewalk mostly planted with shrubs. However, the proposed Little River Turnpike ultimate R-O-W cross section provides only for: a 3-foot wide grass strip along the curb; a 5 foot-wide brick sidewalk; and 4-foot wide planting area between the sidewalk and building.

The following streetscape guidance from the Comprehensive Plan applies to Backlick Road: The pedestrian area should include at a minimum: a curbside planting area of at least 4 feet in width planted with shade trees 25 to 30 feet on center, and a 6-foot wide sidewalk. On page 4 of the special exception plan, the area along Backlick Road depicts: no planting area along the curb; a 6-foot wide brick sidewalk; and an entry/planting area with trees and shrubs between the sidewalk and building.

The special exception plan depicts 15 parking spaces with no interior parking lot landscaping. The special exception plan notes on page 4 that interior parking lot landscaping is not required for fewer than 20 parking spaces. As the Comprehensive Plan calls for parking lot landscaping for this area, the applicant is encouraged to provide it. Parking lot landscaping not only will soften the visual impact of development and parking but may also serve as a water control measure. (This is discussed further under the water quality section of the Environmental Analysis.)

In addition to the proposed streetscapes along Little River Turnpike and Backlick Road, four-foot wide landscaped strips are proposed along the site's western and southern boundaries. Building foundation plantings are also proposed around all sides of the bank. While the proposal does not meet all streetscape guidance from the Comprehensive Plan, especially at the time of ultimate R-O-W dedication for Little River Turnpike, in staff's opinion the proposal is a significant improvement over the existing condition of the site which is largely devoid of any streetscape and landscaping amenities. It is also recognized that given the size of the site and development requirements associated with the proposed bank with drive thru lanes at grade that strict conformance to all streetscape guidance is not achievable.

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Water Quality

Issue:

While the proposed development of the site will result in a reduction of runoff, staff feels that additional water quality control measures are appropriate. The applicant is proposing a single tree

box filterra to capture runoff from the proposed development. Typically the redevelopment of older properties is considered an opportunity to address runoff issues which were not addressed in the past. While the proposed development of the site will result in reduce impervious surface areas and some effort has been made to address runoff, staff feels that there may be additional opportunities to reduce impervious surface areas and provide expanded runoff control measures as part of the proposed development.

Resolution:

According to the parking tabulation noted on the special exception plan, the proposed development is over parked by two spaces. Removing one or both of these spaces would create an opportunity for additional landscaping, a small raingarden or other measures to reduce runoff from the proposed development. Ultimately any final determination regarding adequate outfall and water quality controls will be made by staff within the Department of Public Works and Environmental Services (DPWES).

Green Building

Issue:

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 projects. The applicant is seeking a change in use on a site located in the Annandale Community Business Center. The Policy Plan recommends that developments which are seeking changes in use and are located in designated areas, such as the Annandale Community Business Center, attain basic Leadership in Energy and Environmental Design (LEED) certification through the U.S. Green Building Council or other comparable program with third party certification at a minimum.

Therefore, this project should incorporate green building practices sufficient to attain basic LEED certification under the U.S. Green Building Council program 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 building, 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 \$60,000. 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 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-RUP for the building, 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 distribute a green building manual prepared by a LEED AP for use by all future building occupants. The 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 building occupants can use to obtain further guidance on each green building component.

Resolution:

This issue remains outstanding. The applicant has not committed to the attainment of LEED certification for this bank building. Without this commitment, staff finds the application is contrary to Comprehensive Plan guidance on green buildings.

Additional Plan Citations

In the Fairfax County Comprehensive Plan, 2007 Edition, Area I, Annandale Planning District, Areawide Recommendations, as amended through August 6, 2007, pages 18-28, the Plan states:

“LAND USE

To further define the broad vision for the Annandale CBC, a land use concept is provided that identifies the general type and distribution of development. Since achieving the vision for the CBC will be a long-term process, guidance on land use compatibility and land use flexibility is provided in this section.

Land Use Concept

The land use concept for the Annandale CBC (see Figure 8) outlines a pattern of development that represents a shift from the planning policy that has shaped the area over the last three decades. The previous policy encouraged low intensity commercial development in a suburban setting throughout the CBC. The new policy direction encourages a more urban and pedestrian oriented development pattern. The new land use concept recommends the development of a core, or “town center area” at the heart of the CBC while maintaining transitional areas at the fringe. Also, the new concept provides an improved circulation system that includes realigning Columbia Pike to intersect with Backlick Road and completing a loop road system along Poplar and Markham Streets, McWhorter Place, and John Marr Drive.

The town center area planned for the Annandale CBC encompasses more than 35 acres, just under 20 percent of the total CBC land area. This area is envisioned as a concentrated urban setting comprised of a higher-intensity mix of retail, office, and residential uses. These uses would be linked by more pedestrian-oriented streets with a focal point, such as a traffic circle, at the center. Typically, levels of development intensity from .50 to .70 FAR are recommended for a mix of non-residential uses in the town center area; however, higher intensity of 1.0 FAR or higher offered as an incentive in certain key areas if a special feature, such as a cinema or hotel as well as residential development is included in mixed use development. When a hotel, a cinema and/or housing is provided in a mixed use development, the development intensity could be over 400% higher than the property’s existing intensity. . . .

While the town center’s planned development intensity generally reflect the community vision for Annandale consistent with other local areas (e.g. Reston, McLean and Shirlington), providing even greater intensities (i.e., higher FAR) and a correspondingly appropriate increase in building heights may be favorably considered if consolidation of properties and development plans show that the increased intensity keeps the Annandale CBC’s vision effectively intact. If a proposed development with higher intensity provides an improved quality of life and supports the Areas’ Revitalization vision, a concurrent Plan Amendment may be appropriate, as allowed by the County’s policies for Revitalization Areas.

The portion of the Annandale CBC that surrounds the town center area includes approximately 165 acres, just over 80 percent of the CBC. These areas are planned to have an overall suburban appearance but with a more pedestrian-oriented character than today. These areas will retain their current function as community-serving retail and office areas and, as redevelopment occurs, additional housing will be encouraged within portions of these areas. A critical planning issue in these areas has been the need to avoid encroachment on adjacent residential neighborhoods. In addition, development at a higher intensity as mentioned above, may be appropriate in these areas, if it provides an improved quality of life and supports the Areas' revitalization objectives. The transitional areas should be at a scale compatible with abutting residential neighborhoods.

In the past, the creation of transitional areas or "edges" that define the limits of the CBC has taken several forms that provide a significant degree of land use compatibility with the adjacent residential neighborhoods. Typically, transitional areas include permanent open space as well as townhouse-style offices, neighborhood retail, garden apartments, and landscaped peripheral streets. It is recommended that these transitional development techniques be continued. (Site-specific guidance for land use and intensities is included in the Land Unit Recommendations section.)

Land Use Guidelines

Achievement of the vision for the Annandale CBC on which the land use concept is based will be a long-term process. Because of this, additional guidance beyond the land unit recommendations is also essential. In reviewing development proposals within the CBC, several situations may arise that the land unit recommendations may not adequately address: affordable housing, parcel consolidation, infill development, and other land uses that could be compatible alternatives to those specified in the Land Unit Recommendations. The following guidelines apply to these situations:

- *Affordable Housing* – For all development proposals with a residential component, affordable housing should be provided in accordance with the Affordable Dwelling Unit Ordinance and/or other Board-adopted policies regarding affordable housing.
- *Parcel Consolidation* – For all development proposals involving increased intensity/density, parcel consolidation should be provided as a way to achieve the planning objectives for the CBC. Parcel consolidations should be logical and of sufficient size to allow projects to function in a well-designed and efficient manner. In general, any unconsolidated parcels should be able to develop in conformance with the Plan or should represent stable development.
- *Existing Uses and Buildings* -- In some instances, existing development may not be consistent with the long-term vision for the Annandale CBC which anticipates the eventual redevelopment of these properties. This Plan is not intended to interfere with the continuation of existing land uses or buildings which is the decision of the business or building owner. However, new uses and the replacement, expansion, or remodeling of existing buildings, should not inhibit achieving the long-term recommendations of the

Plan. To facilitate this, improvements to the open space, pedestrian and/or roadway systems that are identified in the Plan are encouraged or, if not feasible due to an existing building's location on the site, alternative improvements which may help implement the Plan's intent may be considered. Additionally, retention of community serving uses as redevelopment occurs should be encouraged by permitting the incorporation of an existing use into the new, such as incorporating a community retail or service business into an office development.

- *Alternative Land Uses* -- When an alternative land use can be demonstrated to be compatible with the surrounding development and when the Plan's transportation needs, pedestrian orientation, and other urban design aspects called for in the Plan are adequately addressed, such uses may be considered. For example, residential uses may be considered when a viable, quality living environment can be created which provides recreational facilities and other amenities for residents, and where its scale is similar to the planned nonresidential use. Similarly, a hotel use may be compatible in areas planned for office and retail use provided that such use should generate less peak-hour traffic than the specific land unit recommendations and should be of a similar scale and intensity. In addition, the Plan is flexible to accommodate future opportunities for institutional, cultural, recreational, and governmental uses which could enrich community life, improve the provision of public services, and/or enhance the area's business competitiveness. Such uses may be considered where the use and scale is compatible with planned uses. Also, flexibility should be applied to ensure that a viable mix of local-serving or support retail and service uses will result by allowing these uses to be provided within office and residential buildings.

URBAN DESIGN

In a commercial area such as the Annandale CBC, development can take a suburban or an urban form. This depends upon such factors as the relationship of buildings to each other and to the roadway, and the location and types of parking whether in structures, underground, or on surface lots. The suburban form, usually more automobile oriented with low buildings and surface parking, is the existing development pattern in the CBC. The urban form is more densely developed, usually more pedestrian-friendly, with higher buildings served by structured as well as limited surface parking. Such urban forms often include a mix of office, retail, and residential uses that encourages both errand shopping and entertainment use. The urban form is designed to better serve those who live or work in the area as well as those who may use an automobile to get there but will use and enjoy the area on foot.

The urban design concept for the Annandale CBC is to achieve a balance between the suburban and the urban forms as well as to facilitate revitalization of the CBC by enhancing its traditional function while creating new opportunities for expansion of existing businesses and redevelopment. The concept is to foster a commercial area serving the greater Annandale community that 1) is clearly differentiated and buffered from adjacent residential neighborhoods, 2)

continues a suburban form of development on its periphery, and 3) encourages an urban form of development—the town center area—at its core.

The urban design concept is supported by two elements—guidance for building orientation and character as well as recommendations for streetscape design. Building orientation and character guidance focuses on the scale of buildings including height and mass, setbacks, architectural form, distinctive roofline features or corner/entry treatments, and placement on the site. Streetscape design includes a network of CBC-wide streetscape improvements that clearly distinguish the extent of the CBC and provide for underground utilities, street trees and other landscaping, decoratively paved sidewalks, street furniture, lighting, and coordinated signage. Both the building character and streetscape blend to form the urban design character of the area.

Building Orientation and Character

The visual appearance of an area, and the character that this appearance communicates, relies on the streetscape as a setting and buildings or building complexes to establish focal points. In the Annandale CBC, guidance for building orientation and character is intended to enhance the area by improving the visual quality of the area and by fostering a clearly recognizable “sense of place” within the CBC. The urban design concept for the Annandale CBC reflects a hierarchy of development intensities ranging from a more suburban character to the urban core—the town center area. Within that broader context, building orientation and architectural character contribute to this.

Town Center Area Guidance

The character of that portion of the CBC that comprises the town center area should be designed to be urban in character with buildings fronting on landscaped pedestrian areas with surface and/or structured parking beneath buildings or to the rear. Within this area, there should be greater consideration of pedestrian amenities and special landscaping, street furniture, and features that contribute to the quality of the pedestrian experience. For example, greater emphasis should be placed on providing ornamental plantings, including annuals and perennials in raised planters incorporated into planting strips. Emphasis should also be placed on site design that provides for special features such as seating areas, pocket parks, and landscape or water features. Distinctive architectural corner or entry treatments that front on these pedestrian amenities should also be considered.

To give architectural interest to the town center area, varying building heights and roof lines are encouraged. Also, to create a focal point within a land unit, building heights and special architectural elements, such as a clock tower or entry feature, should be used to identify a particular area or activity center. This would be in addition to other urban design elements such as plazas, building orientation, and/or landscaping. In particular, the following design guidelines should be considered in the development review process within the town center area:

- Within the town center area, buildings should be set back 15-20 feet from the street curb to accommodate pedestrian amenities as well as the proposed streetscape improvements.
- Throughout the Annandale CBC, a variety of building heights, facade articulation, and roof forms is encouraged. The town center area is intended to be the most visually prominent part of the CBC and building heights outside this core gradually step down toward the CBC periphery. Specific building height guidance is found in the land unit recommendations. However, it should be noted that some flexibility to increase building height within the town center area is provided under specified circumstances and if a minimum 25 degree angle of bulk plane is maintained in the design.
- While the height of buildings may vary, incorporating the upper story of buildings within the roof structure should be encouraged. Further, buildings greater than 3 stories in height should be limited to 3 stories at the front or corner building line with additional stories stepped back to accommodate a rooftop terrace or other feature. Additional height may be incorporated above a roofline if the building is designed as a focal point with special building corner or entry treatments.
- Building facades should establish a pedestrian scale relationship to the street with architectural design features--such as variations of window or building details, texture, pattern, and color of materials. Public space furniture and entry accent features are encouraged as are arcades, awnings, or other building features that distinguish ground floor retail uses.
- Parking areas within the town center area should be located in structures or beneath buildings provided that such structured parking does not front on pedestrian areas. Side parking should be limited to one double-loaded, surface bay also used as mid-block access to rear parking areas or structures. A particular emphasis should be placed on providing shared parking, particularly for mixed-use developments. On-street parking should not be permitted on arterial and collector streets or on service drives but should be allowed on local or pedestrian-oriented streets.
- Public spaces and amenities within the town center area should be directly accessible to the pedestrian network and pedestrian connections to adjacent blocks encouraged. Also, landscape design features, such as seating areas and ornamental plantings, should be incorporated into parking lots, plazas, and streetside areas to complement architectural features and carry the Annandale streetscape design theme into private areas.
- Exterior lighting for individual buildings or projects should be generally consistent throughout the CBC. Such lighting should be designed to maintain the overall character and quality of the area and to provide adequate lighting levels that ensure public safety without creating glare or light spillage into neighboring residential areas.

- Building-mounted signs or monument-style ground-mounted signs incorporated within a planting strip should be encouraged. Pole-mounted signs should be discouraged.

.....

Streetscape Design Guidelines

The visual appearance of an area can be positively affected by streetscape elements, such as the placement of street trees, treatment of planting strips, widths of pedestrian ways, and building setbacks. In the Annandale CBC, the implementation of a streetscape concept will enhance the area by improving the visual quality along roadways, helping orient travelers moving to and through the area, and creating more clearly recognized special areas within the CBC. The urban design concept for the Annandale CBC reflects a hierarchy of development intensities ranging from areas that are more suburban in character to a more urban core—the town center area. Similarly, the streetscape design concept reflects a hierarchy ranging from Little River Turnpike, the major arterial street that bisects the CBC, to the other arterial streets and collector streets that are used for access to and through the CBC and those local streets that provide access to individual sites throughout the CBC. Also, important are those points along these streets where one enters the CBC. These points of entry assist drivers to orient themselves and also help define the limits of an area.

Recognizing the differences in scale and intensity of use of these streets by both automobiles and pedestrians, the streetscape concept is intended to create a unifying theme to be implemented throughout the CBC. To achieve this, the streetscape concept establishes consistent guidance for street tree location, spacing, size, and type as outlined below. Implementation will occur through development proposals addressing private property and adjacent public right-of-way, the County's commercial area revitalization bond funds, and/or joint public/private funding efforts as these roadways are improved. In situations where development or redevelopment is not likely to occur, implementing the streetscape design concept may require public/private cooperation in providing funding for these improvements.

In general, when street trees and other plantings are to be located in proximity to roadways or within medians, special attention to clear zones, as well as safety and sight distance should be observed in the design of streetscape elements for development proposals. Also, as part of general streetscape considerations, CBC-wide directional signs and distinctive CBC entry signs should be encouraged along with coordinated business sign systems that establish a distinctive theme and identity to the area while eliminating visual clutter. Modifications to the streetscape guidance outlined in this section may be necessary to conform to applicable Virginia Department of Transportation (VDOT) requirements and guidelines.

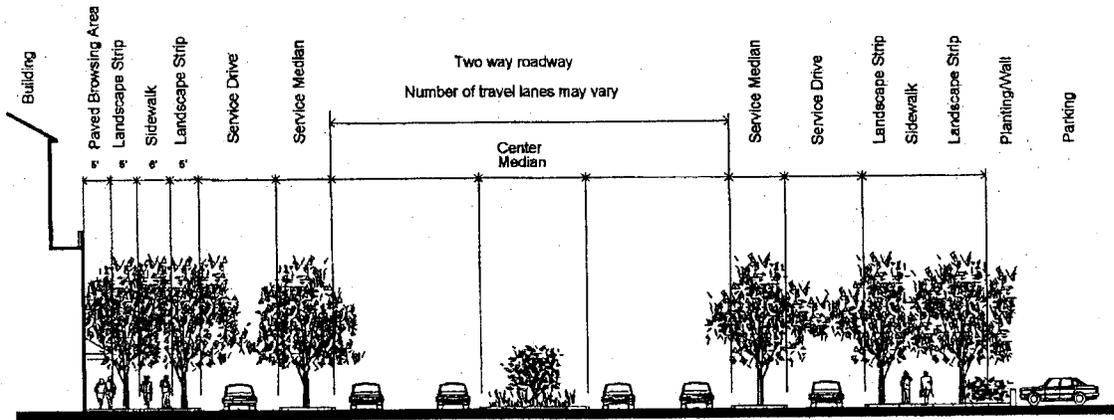
The design guidelines for Little River Turnpike and all other streets within the Annandale CBC, as found below, are similar to those described in the 1993 *Columbia Pike Streetscape Plan* which is being implemented in the Annandale CBC. A general description of the paving, light fixtures, plant materials, and street furnishings recommended in the 1993 Streetscape Plan includes:

- Interlocking concrete sidewalk pavers similar in shape and color to brick with concrete commercial drive entrances and trim bands;
- Traditional acorn-style light fixtures atop a fluted pole;
- A variety of hardy plant materials including street trees, low as well as high shrubs, and ornamental plantings; and
- Street furnishings including metal benches, trash receptacles, and bicycle racks, as well as metal fittings such as bollards and tree grates.

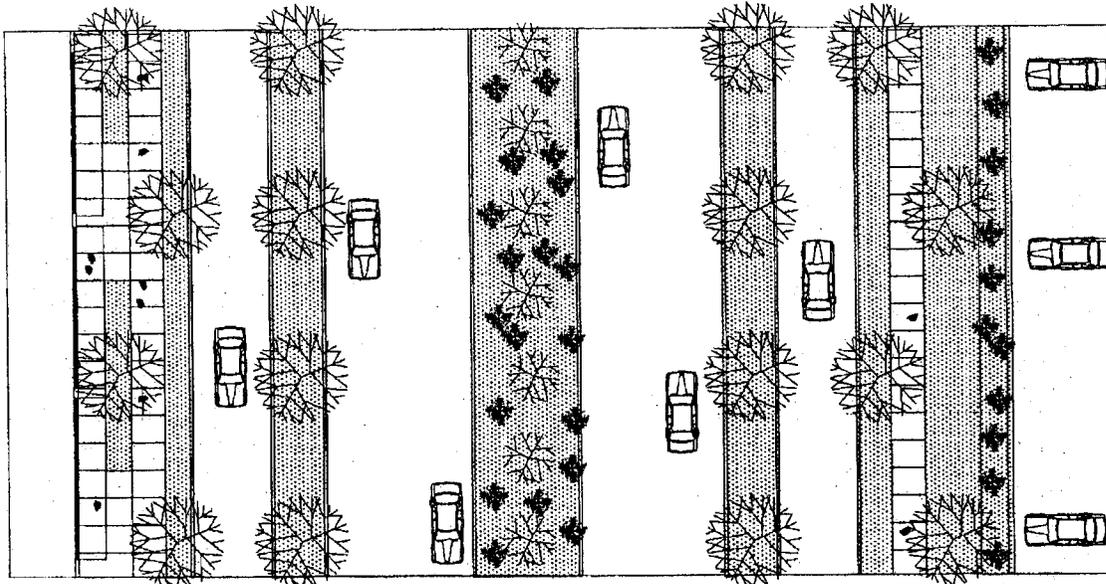
Little River Turnpike Streetscape Design Guidelines

For those areas fronting on Little River Turnpike, plant materials, design details, lighting, and street furniture should be consistent with or similar to those used throughout the Annandale CBC in the implementation of the 1993 Streetscape Plan. A typical cross-section would include the following (see Figure 10):

- If a *center median* is provided, it should be planted where possible with a single row of shade trees 30 to 40 feet on center, or ornamental trees 20 feet on center supplemented with ornamental plantings and tree groupings at points of entry to the CBC; if a *service median* is required, it should be planted with a single row of shade trees 30 to 40 feet on center;
- The *pedestrian area* extends from the street curb to the building line or parking area. This area should be approximately 15 to 20 feet wide and include a *curbside planting strip* 5 feet in width (4 feet may be appropriate when limited by existing conditions) planted with a row of shade trees spaced 40 to 50 feet on center, a *sidewalk* 6 feet in width, and a *secondary planting strip* 4 to 6 feet in width with a second row of shade trees spaced 40 to 50 feet on center. Trees in the two parallel planting strips should be offset thus creating a canopy over the sidewalk with an effective tree spacing of approximately 20 to 25 feet.



Streetscape – Little River Turnpike
 (with Medians & Service Drives) Scale: 1" = 30'



ANNANDALE COMMUNITY BUSINESS CENTER
 FAIRFAX COUNTY, VIRGINIA

**STREETSCAPE
 LITTLE RIVER TURNPIKE**

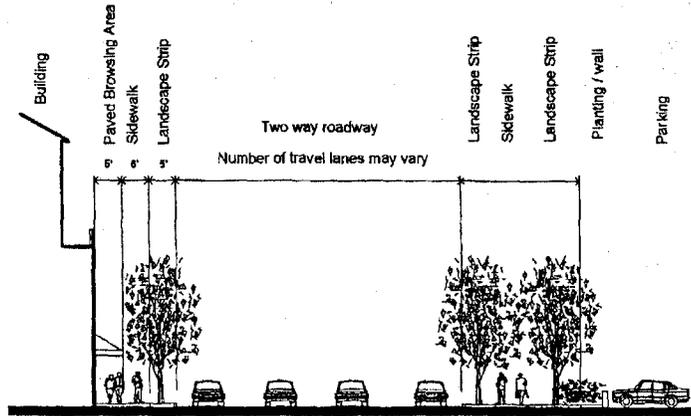
FIGURE 10

- A paved *browsing area* 4 to 6 feet in width for retail frontage, or a *landscaped area* 5 feet (minimum) in width for non-retail frontage, should be provided between the secondary planting strip and the building within the town center area. When located adjacent to this retail frontage browsing area, the secondary planting strip may also be paved and trees placed in grated planting pits. Additional landscaping should be provided beyond this pedestrian area including low parking lot walls with screen planting and interior parking lot landscaping where such parking areas front on the street.

Streetscape Design Guidelines For All Other Streets

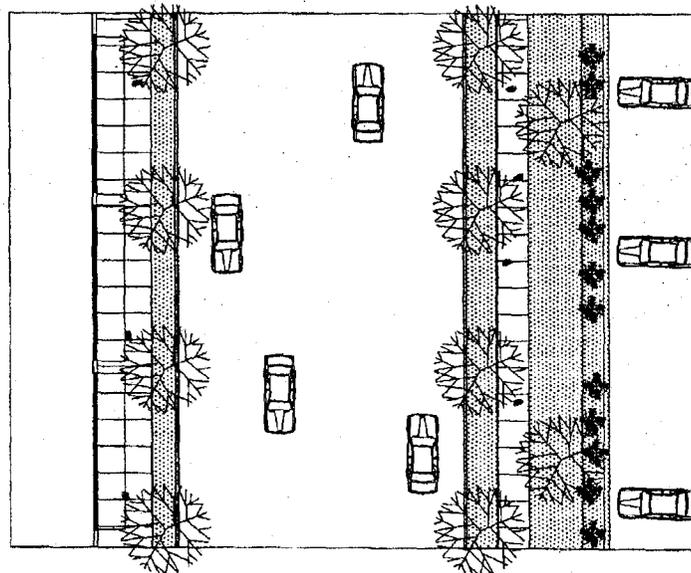
For those areas fronting on all other streets, plant materials, design details, lighting, and street furniture should be consistent with or similar to those used throughout the Annandale CBC in the implementation of the 1993 streetscape plan with bond funds. A typical cross-section would include the following (see Figure 11):

- The *pedestrian area* extends from the street curb to the building line or parking area. This area should be approximately 15 feet wide (minimum) and be divided into a curbside planting strip 5 feet in width (4 feet may be appropriate when limited by existing conditions) planted with a row of shade trees spaced 25 to 30 feet on center supplemented with ornamental plantings and tree groupings at points of entry to the CBC; a *sidewalk* 6 feet in width, and, within the town center area, a *browsing area* 4 to 6 feet in width for retail frontage, or a *landscaped area* 5 feet in width (minimum) for non-retail frontage.
- *Additional landscaping* should be provided beyond this pedestrian area including low parking lot walls with screen planting and interior parking lot landscaping where such parking areas front on the street.”



Streetscape – All Other Streets

Scale: 1" = 30'



ANNANDALE COMMUNITY BUSINESS CENTER
FAIRFAX COUNTY, VIRGINIA

**STREETSCAPE
ALL OTHER STREETS**

FIGURE 11



County of Fairfax, Virginia

MEMORANDUM

DATE: January 26, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT

FILE: 3-4 (RZ 2007-MA-034)

SUBJECT: SECOND ADDENDUM: SE 2007-MA-034; Commerce Bank
Land Identification Map: 71-1-((1))-89

This department has reviewed the special exception plat revised through December 23, 2008. We have the following comments.

The location of the applicant's entrance on Backlick Road will negatively impact traffic operations at the Little River Turnpike and Backlick Road intersection. The full access entrance proposed will require vehicles to enter from the northbound left turn lane of Backlick Road. The entering vehicle will have to wait for a gap to appear in southbound traffic to safely enter the site and, in doing so, delay northbound vehicles turning left onto Little River Turnpike. Considering the amount of traffic already traveling near this intersection, such an entrance configuration will increase left turn queue lengths and wait time for vehicles on Backlick Road.

The complications at this entrance are further exacerbated by the site's circulation pattern; where vehicles entering the site from this entrance are aligned with vehicles exiting the site. While the applicant has provided a shift for entering vehicles and removed the concrete island as suggested by FCDOT, it is possible that vehicles will not obey the shift and be met with oncoming vehicles. VDOT has expressed conflicting views on whether a concrete island would be beneficial but has suggested that the applicant consider an alternative layout where the bypass lane is placed south of the drive thru to eliminate driver confusion. FCDOT supports this suggestion and recommends that the applicant consider this alternative layout as a means of improving site circulation and mitigating their impact on the Little River Turnpike and Backlick Road intersection.

Fairfax County's Transportation Plan recommends the widening of Little River Turnpike to a six lane divided roadway. In addition to the six-lane widening, an on-road bike lane, trail, and service drive are also recommended for this section of Little River Turnpike. The applicant's latest version of plans includes provisions for interparcel access to the west and south that appear to be compatible with the future widening of Little River Turnpike. Because interparcel access has been provided and discussions with FCDOT's bicycle coordinator suggest that an on-road bike lane waiver would be supported by our agency, the 67 feet from centerline right-of-way dedication is sufficient at this time.

The following issues were also identified during the review of the special exception plat:

- Frontage improvements along Little River Turnpike are shown to be built by the applicant. The construction of these improvements is not necessary at this time.
- The applicant's plan states that the interparcel access' final location will be determined at site plan. It should be noted that if the interparcel access must be relocated at site plan, its final location should be outside of the area impacted by the Little River Turnpike widening and still be able to provide an appropriate turn radius for entering vehicles.

Fairfax County Department of Transportation
12055 Government Center Parkway, Suite 1034
Fairfax, VA 22035-5500
Phone: (703) 324-1100 TTY: (703) 324-1102
Fax: (703) 324 1450
www.fairfaxcounty.gov/fcdot



Ms. Regina Coyle, Director
January 26, 2009
Page 2 of 2

- The sight distance exhibit for the applicant's entrance onto Little River Turnpike is incorrect. The exiting vehicle point is placed within the proposed right turn lane. This exhibit should be revised accordingly.
- Vegetation is conflicting with sight distance lines at the Backlick Road entrance. This vegetation should be removed or relocated.
- Since the applicant will not be required to construct frontage improvements, entrance sight distance should be verified for Little River Turnpike as it exists today and Little River Turnpike as it may be widened in the future.
- An escrow for \$1600 towards necessary bike signage in the Annandale area would be desirable.

AKR/MEC



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

January 6, 2009

DAVID S. EKERN, P.E.
COMMISSIONER

Ms. Regina Coyle
Director of Planning and Zoning
Office of Comprehensive Planning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: SE 2007-MA-034 Commerce (TD) Bank Landscaping Plan
Tax Map # 71-1((01)) 0089
Fairfax County

Dear Ms. Coyle:

I have reviewed the above plan submitted on December 16, 2008, and received on December 16, 2008. The following comments are offered:

1. The three trees along Rt. 236 should be moved to the outside of the sidewalk in order to meet the clear zone requirements for this road.
2. Entrance and street intersection sight lines should be shown on the landscaping plan sheet.

If you have any questions, please call me at (703)383-2424.

Sincerely,

Kevin Nelson
Transportation Engineer

cc: Ms. Angela Rodeheaver
fairfaxrezoning2007-MA-034se6Commerce(TD)BankLandscaping1-6-09RC

RECEIVED
Department of Planning & Zoning
JAN 09 2009
Zoning Evaluation Division



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

December 5, 2008

DAVID S. EKERN, P.E.
COMMISSIONER

Ms. Regina Coyle
Director of Planning and Zoning
Office of Comprehensive Planning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: SE 2007-MA-034 Commerce (TD) Bank
Tax Map # 71-1((01)) 0089
Fairfax County

Dear Ms. Coyle:

I have reviewed the above plan submitted on November 18, 2008, and December 2, 2008, and received on November 18, 2008, and December 4, 2008. The following comments are offered:

1. An easement needs to be provided for the interparcel access to the west.
2. The removal of the separator island creates a conflict with traffic entering and exiting the site. The entering lane aligns with the pass by lane, creating the potential for head on collisions as vehicles enter the site. One suggestion is to look at possibly moving the exit lane to the right (south) of the drive through lanes as an optional layout.
3. The trees along Rt. 236 need to be removed from the clear zone. Comments on the landscaping and the proposed sidewalk were provided to the designer in a separate submittal.

If you have any questions, please call me at (703)383-2424.

Sincerely,

A handwritten signature in black ink that reads "Kevin Nelson".

Kevin Nelson
Transportation Engineer

cc: Ms. Angela Rodeheaver
fairfaxrezoning2007-MA-034se5Commerce(TD)Bank12-5-08RC

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Sheng Leu 
Facilities Planning Branch, DPZ

FILE: 08.09 (ZTW)

SUBJECT: Trail Waiver
SE 2007-MA-034

DATE: October 30, 2008

This office has consulted with Jan Reitman, the Mason District representative of the Trails and Sidewalks Committee to review the request to waive the construction of an on-road bike lane along the Route 236 frontage. We recommend that the request be approved with the condition that the applicant provides the way finding signage, and roadway improvement along the alternate route suggested, in addition the streetscape improvements along Route 236 frontage should be provided.

If you have any questions, please call me at extension 41272.

SJL

cc: Pam Nee, Environment and Development Review Branch, PD, DPZ
Jan Reitman, Trails and Sidewalks Committee

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Sheng-Jieh Leu 
Facilities Planning Branch, DPZ

FILE: 07.68 (ZTRAILS)

SUBJECT: Trail Requirements*

REFERENCE: SE 2007-MA-034
Applicant: Commerce Bank, N.A.
Tax Map: 71-1-001- 89

DATE: November 30, 2007

In accordance with the Countywide Trails Plan and the Public Facilities Manual, the trail type(s) specified below should be provided in the following location(s):

- Backlick Road (west side) – Type IV (concrete) trail, 6 feet wide within a 10-foot trail easement, or VDOT right-of-way. Please refer to Annandale Community Business Center of Area I Comprehensive Plan.
- Little River Turnpike (south side) – Type IV (concrete) trail, 6 feet wide within a 10-foot trail easement, or VDOT right-of-way. Please refer to Annandale Community Business Center of Area I Comprehensive Plan.

In addition to the above recommended trails**, the following suggested features are intended to enhance inter-and/or intra-parcel non-motorized circulation and access:

The design engineer is responsible for ensuring that trail design and construction includes adequate provision for user safety. Inclusion of adequate safety measures shall be considered in the County's trail review and approval process.

SJL

cc: Pam Nee, Environment and Development Review Branch, PD, DPZ

* The Fairfax County Park Authority and other County agencies may have additional requirements or comments. These Trail Plan requirements in no way limit or exclude this plat from the requirements of the County Sidewalk Policy and the School Sidewalk Program, which should be fully implemented as it applies to this subdivision in locations not already accounted for by Trails Plan requirements.

** These trails are eligible for County maintenance. Please contact the Maintenance and Stormwater Management Division of the Department of Public Works & Environmental Services (703-934-2860) for details.



County of Fairfax, Virginia

MEMORANDUM

JAN 23 2009

DATE:

TO: Shelby Johnson, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum M. Khan, Senior Stormwater Engineer 
Stormwater and Geotechnical Section
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application, SE 2007-MA-034, TD Bank (Formerly Commerce Bank), Plan dated December 31, 2008, LDS Project #6202-ZONAV-001-C-1, Tax Map #071-1-01-0089 (Property), Mason District, Cameron Watershed

We have reviewed the subject plan and offer the following comments related to Stormwater Management (SWM):

Chesapeake Bay Preservation Ordinance

There is no Resource Protection Area on the property.

Floodplain

There are no regulated floodplains on the property.

Downstream Drainage Complaints

There is no record of downstream complaints.

Site Outfall and SWM

The outfall sewers need to be verified for capacity at the site plan submission. No stormwater detention is proposed for this project because there will be a reduction in runoff volume. The BMP requirements are met by the proposed Filterra™ units. A private maintenance agreement for the units will be required.

If further assistance is desired, please contact me at 703-324-1720.

QK/tg

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Zoning Application File





County of Fairfax, Virginia

MEMORANDUM

DATE: December 9, 2008

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

FROM: Barbara Byron, Director *E.H.*
Office of Community Revitalization and Reinvestment (OCRR)

SUBJECT: TD Bank, N.A. – Comments on SE 2007-NA-034 006202-ZONA-001-1

The Office of Community Revitalization and Reinvestment (OCRR) staff have reviewed the above referenced Special Exception plan, date stamped as “Received Department of Planning and Zoning, November 21, 2008”.

- Comment:** The location of the three foot high screening wall and a portion of the proposed inter-parcel access at the western edge of the site falls within the secondary planting strip. This planting strip is indicated in the streetscape requirements in the Comprehensive Plan.

Recommendation: As indicated in the July 7, 2008 sketches by OCRR, and provided to the applicant, this screening wall should be moved back to align with the front (north) façade of the proposed building. Preferably the screening wall should be constructed on either side of the access point from the parking lot to Little River Turnpike. The screening wall will minimize the gap visually between the bank and the adjacent building to the west. To achieve this visual effect, the screening wall should be more substantial, i.e. higher than three feet, preferably with an arch over the entrance. The secondary planting strip can then be installed in front of this screening wall.

- Comment:** The site plan will not accommodate the front setback and the inter-parcel access.

Recommendation: The site layout suggested in the July 7, 2008 sketches by OCRR modified the site plan and the footprint of the building. This modification provides for a one-way traffic network and makes the building footprint longer on its E-W axis and thinner on its N-S axis. It also allows parallel parking along the southern border of the site. This lessens the number of cars parked perpendicular along the western edge of the site, enabling space for inter-parcel access while keeping the suggested screening wall aligned with the front façade of the proposed building. OCRR staff recommends the site plan be revised to incorporate these modifications.



County of Fairfax, Virginia

MEMORANDUM

January 21, 2009

TO: Shelby Johnson, Staff Coordinator
Department of Planning and Zoning, Zoning Evaluation Division

FROM: Ineke Dickman, Urban Forester II 
Forest Conservation Branch, DPWES

SUBJECT: TD Bank 7209 Little River Turnpike, SE 2007-MA-034, 006202-ZONA-001-1

Urban Forest Management Division (UFMD) staff has reviewed the above referenced Special Exception plan, date stamped as "Received Department of Planning and Zoning, January 5, 2009". UFMD does not have any further comments and recommends approval of the SE.

Please call if you have any questions.

AID/
UFMID #: 132385

cc: RA File
DPZ File



ARTICLE 9
SPECIAL EXCEPTIONS

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:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

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.

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
 - (2) Access to the site is provided via the internal circulation of a shopping center, which center contains at least six (6) other commercial uses, or an office complex having a limited number of well-designed access points to the public street system and no additional direct access is provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, and/or
 - (3) Access to the site is provided by a functional service drive, which provides controlled access to the site.
 - C. There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.
2. Where the underlying district is C-2, C-3 or C-4, in addition to Par. 1 above:
 - A. Service stations shall not include any uses such as vehicle or tool rental.
 - B. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2)

abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

3. Where the underlying district is C-5 or C-6, in addition to Par. 1 above:
 - A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
4. Where the underlying district is C-7, C-8, C-9, I-3 or I-4, in addition to Par. 1 above:
 - A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
5. Where the underlying district is I-5 or I-6, in addition to Par. 1 above:
 - A. Service stations and service station/mini-marts shall not be used for the performance of major repairs.

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 BZA 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 101 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 | | |