



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

May 5, 2009

Frederick R. Taylor
Bean, Kinney & Korman, P.C.
2300 Wilson Boulevard, 7th Floor
Arlington, Virginia 22201

Re: Special Exception Application SE 2007-MA-034

Dear Mr. Taylor:

At a regular meeting of the Board of Supervisors held on May 4, 2009, the Board approved Special Exception Application SE 2007-MA-034 in the name of TD Bank, N.A. The subject property is located at 7209 Little River Turnpike on approximately 28,083 square feet of land zoned C-8, HC, CRD, and SC in the Mason District [Tax Map 71-1 ((1)) 89]. The Board's action permits a drive-in financial institution in a Highway Corridor Overlay District and modifications and waivers in the CRD pursuant to Sections 7-607 and 9-622 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. 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.

Office of the Clerk to the Board of Supervisors

12000 Government Center Parkway, Suite 533

Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903

Email: clerktothebos@fairfaxcounty.gov

<http://www.fairfaxcounty.gov/bosclerk>

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 April 24, 2009, 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. If, during Preliminary Site Plan Review, VDOT determines that the entrance on Backlick Road as depicted on the SE Plat, does not meet minimum VDOT standards for design and safety, the entrance may be reconfigured to meet VDOT standards, without the need for a special exception amendment.
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. If, at the time of site plan it is determined that the provision of frontage improvements as depicted on the SE Plat is infeasible, as determined by VDOT and/or FCDOT, then adequate funds shall be escrowed for the full frontage improvements, including any utility relocations and streetscape improvements.
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. 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. Any vegetation which is determined to interfere with the required sight distance at the entrance shall be relocated, subject to the recommendations of UFM.
11. 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.
12. 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.
13. 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 entrance at Little River Turnpike; plant materials shall be relocated on site as approved by UFM.
14. All approved modifications, including parking lot modifications and streetscape improvements, shall be completed prior to the issuance of a Non-RUP.
15. 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.

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.

16. A LEED AP who is a professional engineer or architect licensed to practice in the Commonwealth of Virginia shall be retained, and shall be a part of the project's design and construction team.

Prior to approval of the site plan for the building, a separate agreement shall be executed and a "green building escrow" shall be posted, in the form of cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$60,000. The provision to the Environmental 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 shall be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

A list of specific credits within the most current version of a LEED rating system shall be submitted as part of the site plan and building plan submissions.

A professional engineer or architect licensed to practice in the Commonwealth of Virginia shall be retained, 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.

17. Two tree box filtertraps 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.
18. 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.

19. 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.
20. There shall be no outdoor storage or display of goods offered for sale on-site.

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.

The Board also:

- Waived the minimum front yard requirements along Little River Turnpike.
- Reduced the parking space by 20 percent.
- Modified the streetscape requirements along Little River Turnpike and Backlick Road in favor of that depicted on the SE Plat.
- Waived the service drive requirement along Little River Turnpike.
- Waived the construction of the required frontage improvements along Little River Turnpike.
- Modified the trails requirement along both Little River Turnpike and Backlick Road in favor of that depicted on the SE Plat and as conditioned.

- Waived the on-road bike lane along the Little River Turnpike frontage in favor of the right-of-way dedications and an escrow as conditioned.
- Modified the southern drive aisle width as depicted on the SE Plat.
- Waived the loading space requirement.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

Cc: Chairman Sharon Bulova
Supervisor Penelope Gross, Mason District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Karyn Mooreland, Chief Capital Projects Sections, Dept. of Transportation



COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

Amended

APPLICATION No:

SE 2007-MA-034

(Staff will assign)

RECEIVED
 Department of Planning & Zoning

NOV 21 2008

Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME TD Bank, N.A.
	MAILING ADDRESS 2035 Limestone Road, Wilmington, DE 19808
	PHONE HOME () WORK ()
	PHONE MOBILE ()
PROPERTY INFORMATION	PROPERTY ADDRESS 7209 Little River Turnpike, Annandale
	TAX MAP NO. 0711 01 0089 SIZE (ACRES/SQ FT) 28,083 Sq. Ft.
	ZONING DISTRICT C-8, HC, SC and CR MAGISTERIAL DISTRICT Mason
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION 4-802(11), 4-806(1), 4-806(2), 7-500, 7-600, 9-601(7), 9-611, 9-622(1)(A), A7-100
	PROPOSED USE A drive-in bank in a C-8 zone and highway corridor, commercial revitalization & sign control overlay district. Also, waivers of minimum lot area & width and the on-road bike lane.
AGENT/CONTACT INFORMATION	NAME Lori K. Murphy, Esquire
	MAILING ADDRESS 2300 Wilson Boulevard, 7th Floor, Arlington, VA 22201
	PHONE HOME () WORK (703) 525-4000
	PHONE MOBILE ()
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Lori K. Murphy, Esq.</p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT SIGNATURE OF APPLICANT/AGENT</p>	

DO NOT WRITE IN THIS SPACE

Date Application accepted:

12/15/08

Application Fee Paid: \$

Virginia Ruffin