PROPOSED DEVELOPMENT CONDITIONS

SE 2007-MA-034

March 24, 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 February 5, 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.

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. 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".~~

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 institute 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 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.

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.

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.