



County of Fairfax, Virginia

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

December 15, 2008

Keith C. Martin
Sack, Harris & Martin, P.C.
8270 Greensboro Drive, Suite 810
McLean, Virginia 22102

Re: Special Exception Application SE 2006-PR-005
(Concurrent with Rezoning Application RZ 2006-PR-013)

Dear Mr. Martin:

At a regular meeting of the Board of Supervisors held on December 8, 2008, the Board approved Special Exception Application SE 2006-PR-005 in the name of Washington Property Company, LLC. The subject property is located at 9200 Arlington Boulevard on approximately 3.68 acres of land zoned C-6 and HC in the Providence District [Tax Map 48-4 ((1)) 12 pt.]. The Board's action permits a drive-in financial institution and a drive-in pharmacy pursuant to Section 7-607 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 associated with this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Generalized Development Plan/Special Exception Plat (GDP/SE Plat) associated with this application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

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4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the Generalized Development Plan/Special Exception Plat entitled "Lee Highway and Nutley Street" prepared by Walter L. Phillips, Incorporated, and dated March 8, 2006 as revised through November 4, 2008, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Part 4 of Section 9-004 of the Zoning Ordinance.
5. A maximum of one (1) drive through lane shall be allowed to serve the pharmacy use. The drive-through shall be used only for the drop-off of prescriptions and pick-up of pharmaceuticals. No general retail sales shall be permitted from the drive-through. A sign to this effect shall be posted prominently in the vicinity of the drive-through window.
6. A maximum of three (3) drive through lanes shall be allowed to serve the financial institution use. The hours of operation of the drive through lanes, excluding the ATM lane, shall be limited to Monday through Friday from 9:00 AM to 7:00 PM, Saturday from 9:00 AM to 4:00 PM, and Sunday from 11:00 AM to 3:00 PM.
7. The maximum number of employees for the financial institution shall be twelve (12) at any one time.
8. The drive aisle at the northernmost point of the parking lot, adjacent to the proposed financial institution site, shall be extended in order to provide additional area for the adequate turning around of vehicles in this area, subject to Fairfax County Department of Transportation (DOT) review and approval, prior to site plan approval. Any additional striping for this purpose shall also be provided, as determined by DOT.
9. Irrespective of that shown on the GDP/SE Plat, supplemental landscaping consisting of street trees and/or shrubs shall be provided as determined by UFM within the five (5) foot wide landscaping strip along the site's Nutley Street frontage located within the public right-of-way in a manner that does not impede sight distance. A landscape plan depicting this supplemental landscaping, including, but not limited to, the number and types of species, shall be submitted concurrent with the first and all subsequent site plan submissions and shall be subject to review and approval of UFM, DPWES. In addition, the landscape plan shall also depict: the number and sizes of trees and plantings consistent with that shown on the SE Plat as determined by UFM; any trees that are proposed to be saved within the Resource

Protection Area (RPA) adjacent to the SE area; and the appropriate reforestation of any disturbed area of the RPA, as determined by UFM.

10. Stormwater Management and Best Management Practices Facilities in accordance with the Public Facilities Manual (PFM) shall be provided in substantial conformance with the GDP/SE Plat, unless waived by DPWES. Adequate outfall shall be provided for the site in substantial conformance with the GDP/SE Plat and the PFM.
11. Right-of-way at the intersection of Lee Highway and Nutley Street to accommodate the curb return and traffic control equipment as determined by Fairfax County Department of Transportation (FCDOT) shall be dedicated and conveyed in fee simple to the Board of Supervisors at the time of site plan review or upon demand of Fairfax County, whichever should first occur.
12. A 20-foot wide easement for public street purposes shall be provided along the Lee Highway frontage of the property.
13. A traffic signal shall be installed on Nutley Street at the subject property's main entrance, prior to the issuance of the first Non-RUP for any uses on the 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 responsible for obtaining the Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

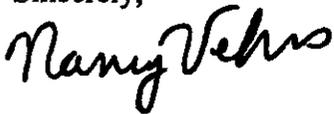
The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exceptions shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction of either the Drive-in Financial Institution or Drive-through Pharmacy 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 service drive requirement along Lee Highway.
- Waived the service drive requirement along Arlington Boulevard.
- Waived of the transitional screening and barrier requirements along the perimeters adjacent to residential uses, in favor of the existing vegetation.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

Cc: Chairman Gerald E. Connolly
Supervisor Linda Smyth, Providence 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
Thomas Conry, Dept. Manager. – GIS - Mapping/Overlay
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
Denise James, Office of Capital Facilities/Fairfax County Public Schools
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation