



APPLICATION ACCEPTED: December 19, 2011
PLANNING COMMISSION: April 26, 2012
BOARD OF SUPERVISORS: May 1, 2012
@ 3:30 p.m.

County of Fairfax, Virginia

April 12, 2012

STAFF REPORT

APPLICATION SEA 2008-DR-003

CRD

DRANESVILLE DISTRICT

APPLICANT: Capital One, National Association

ZONING: C-2, CRD, SC and HC

PARCEL: 30-2 ((5)) 6A

LOCATION: 6890 Elm Street

SITE ACREAGE: 29,122 square feet (0.67 acres)

PLAN MAP: Office

SPECIAL EXCEPTION CATEGORY: Category 5 – Commercial and Industrial Uses of Special Impact
Category 6 – Miscellaneous Provisions Requiring Board of Supervisors' Approval

PROPOSAL: To amend SE 2008-DR-003 previously approved for a drive-in financial institution and a waiver of certain sign regulations to revise the approved development conditions

STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 2008-DR-003, subject to development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a modification of the minimum lot width requirement to permit a lot width of 60.37 feet instead of the required 100 feet.

Nick Rogers

Staff recommends reaffirmation of the waiver of the service drive requirement along Dolley Madison Boulevard.

Staff recommends reaffirmation of the waiver of the requirement to construct an on-road bike lane along Dolley Madison Boulevard in favor of a contribution to the Dranesville District Walkways Fund.

Staff recommends reaffirmation of the waiver of the loading space requirement.

Staff recommends reaffirmation of the modification to the front yard requirements in a Commercial Revitalization District in favor of what is shown on the SE Plat.

Staff recommends reaffirmation of the modification of the transitional screening requirement and a waiver of the barrier requirement to the north, along Dolley Madison Boulevard, in favor of that shown on the SE Plat.

Staff recommends reaffirmation of the modification to the required peripheral parking lot landscaping in favor of that shown on the SE Plat.

It should be noted that it is not the intent of the 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 noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

O:\nroge1\Special Exceptions\SEA 2008-DR-003\Staff Report\Staff Report Cover SEA 2008-DR-003.docx



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception Amendment

SEA 2008-DR-003



Applicant:

CAPITAL ONE, NATIONAL ASSOCIATION

Accepted:

12/19/2011

Proposed:

AMEND SE 2008-DR-003 PREVIOUSLY APPROVED FOR DRIVE-IN FINANCIAL INSTITUTION IN HIGHWAY CORRIDOR OVERLAY DISTRICT, WAIVER OF SIGN REGULATIONS AND MODIFICATIONS AND WAIVERS IN A COMMERCIAL REVITALIZATION DISTRICT TO PERMIT MODIFICATION OF DEVELOPMENT CONDITIONS 29,122 SF OF LAND; DISTRICT - DRANESVILLE ZIP - 22101

Area:

Zoning Dist Sect: 09-0620, 09-0622

Art 9 Group and Use: 6-17 6-19

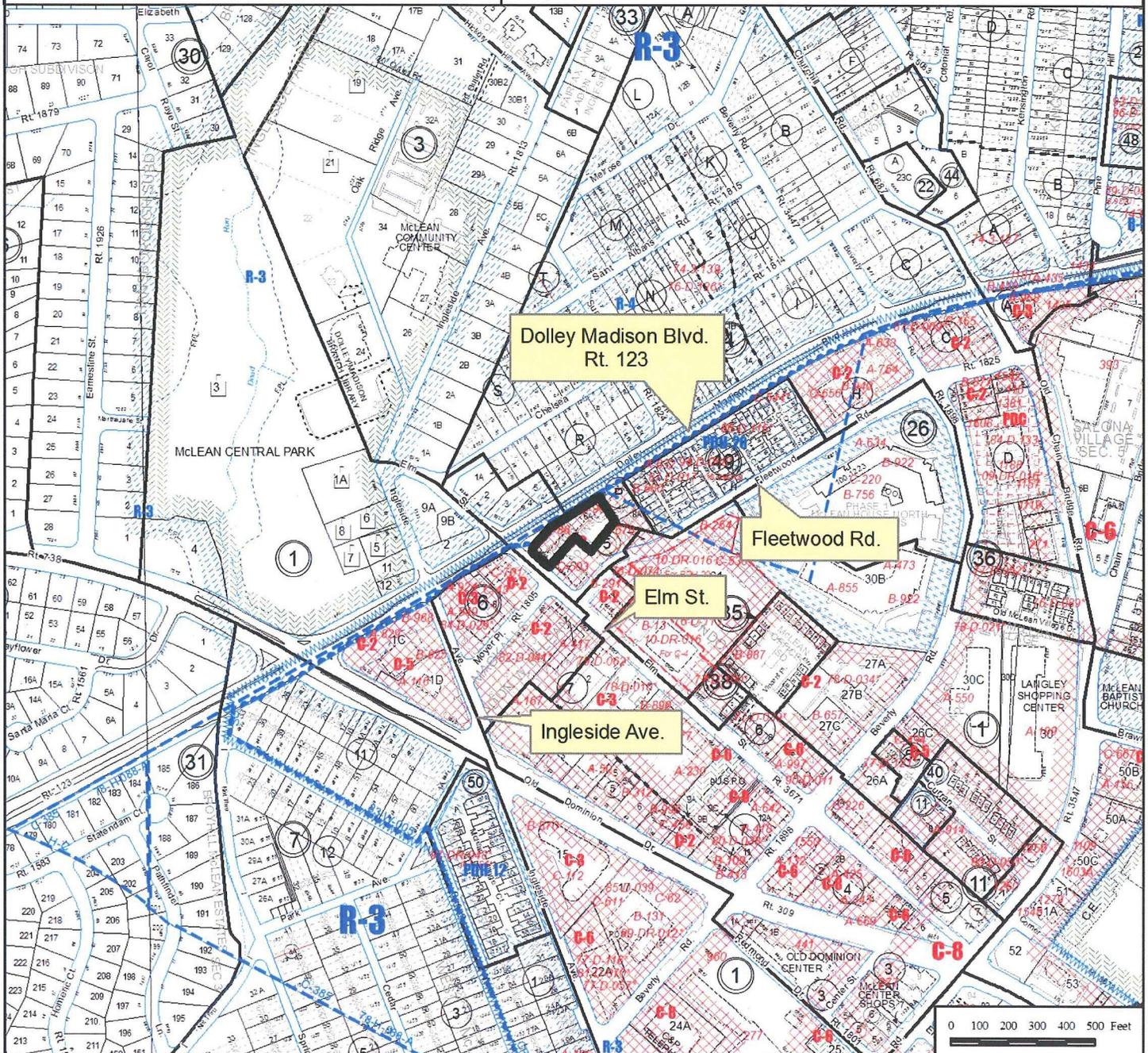
Located: 6890 ELM STREET

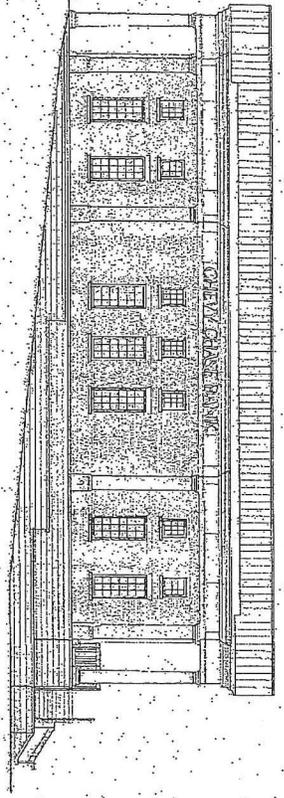
Zoning: C-2

Plan Area: 2

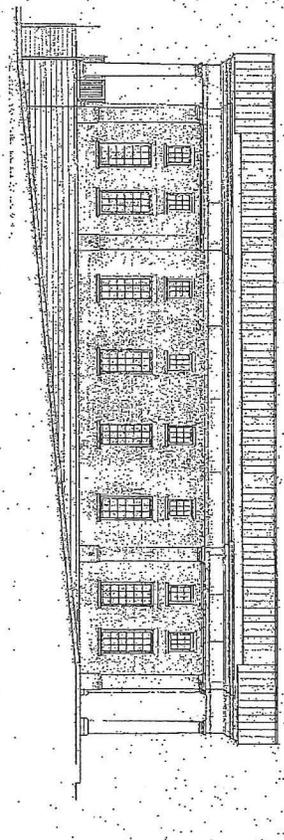
Overlay Dist: CRD, SC, HC

Map Ref Num: 030-2- /05/ /0006A

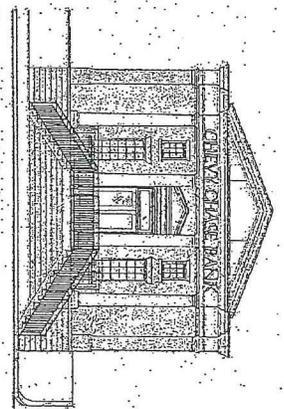




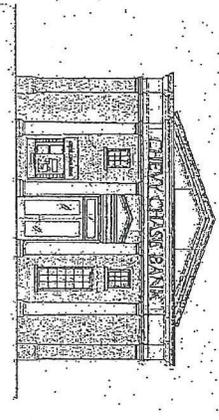
1 NORTH ELEVATION (DOLLEY MADISON SOUTHWEST CORNER)
NOTE: ELEVATIONS SHOWN ON THIS SHEET ARE FOR ARCHITECTURAL STYLE ONLY.
SCALE: 3/4"=1'-0"



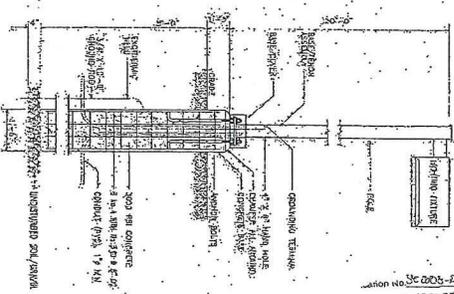
2 SOUTH ELEVATION
SCALE: 3/4"=1'-0"



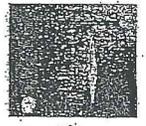
3 WEST ELEVATION (ELM STREET)
SCALE: 3/4"=1'-0"



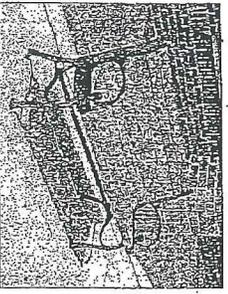
4 EAST ELEVATION (MAIN ENTRY)
SCALE: 3/4"=1'-0"



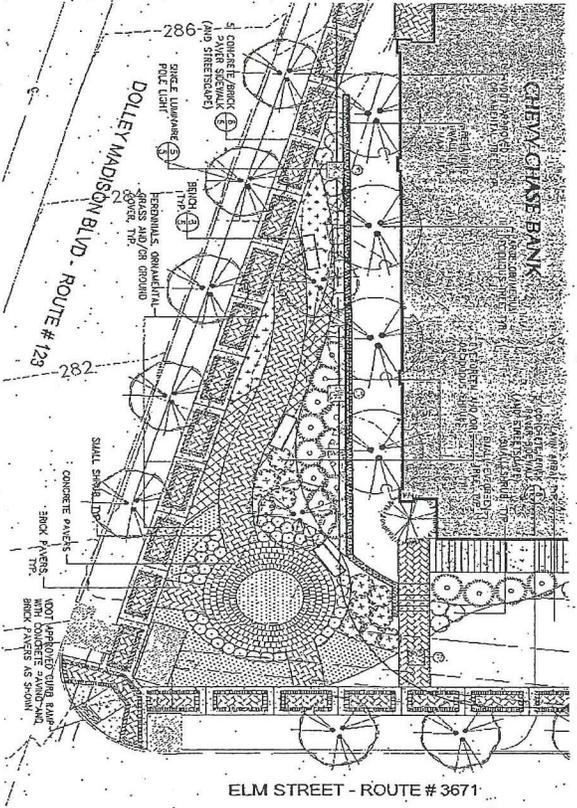
5 SINGLE OR DOUBLE COLUMN/PIER FOOTING
1/8" SCALE
(AND AN ADDITIONAL DETAIL FROM PROVIDE THE ONE SHOWN ABOVE FOR DOUBLE COLUMNS)



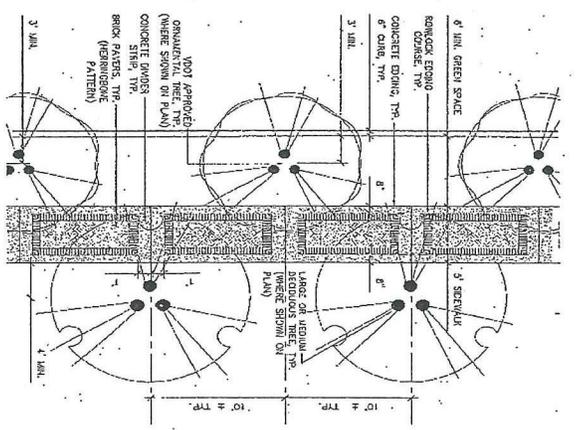
Revision No. SC 2005-0203 Sheet 5 of 7
 APPROVED SE BY PLAN
 SEE REV CONDITIONS DATED 7.21.06
 Date of (REVISED) APPROVAL 7.21.06
 Sheet 5 of 7



6 BENCH
NO SCALE



7 PUBLIC PARK
SCALE: 1"=1'-0"



8 CONCRETE/BRICK PAYER SIDEWALK
SCALE: 1"=1'-0"

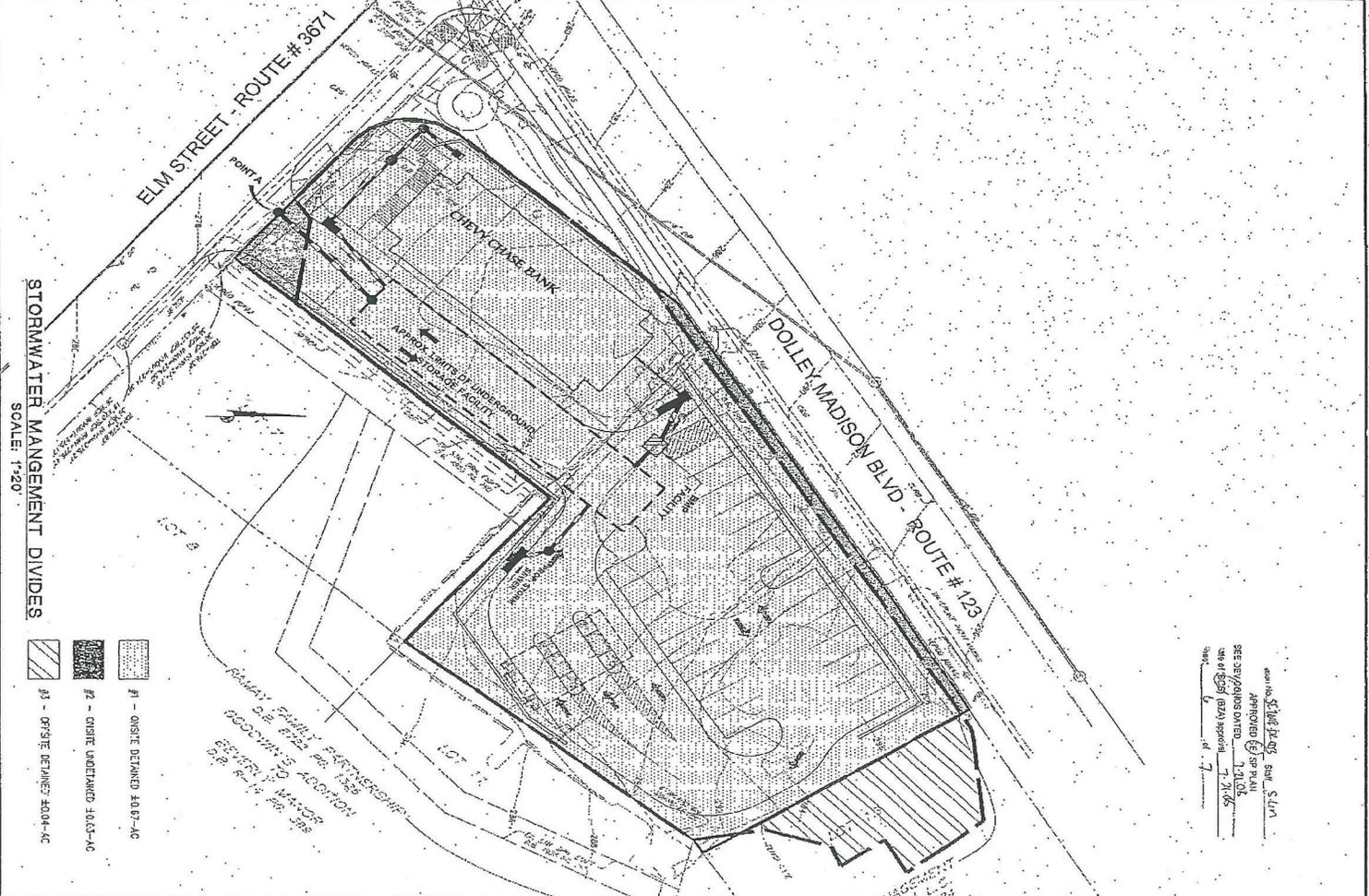
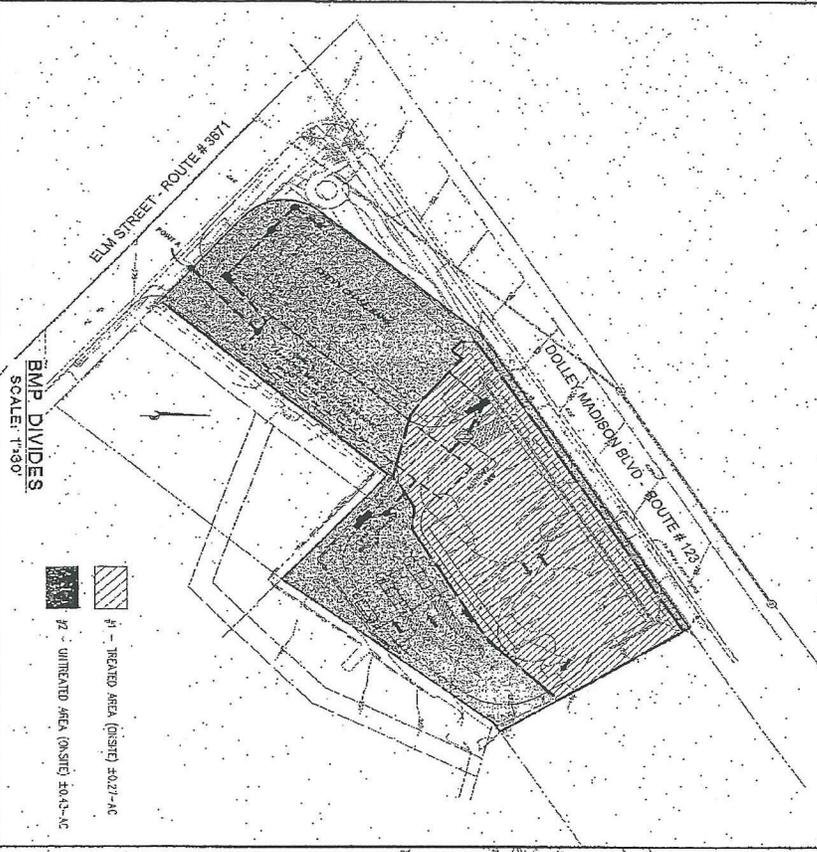
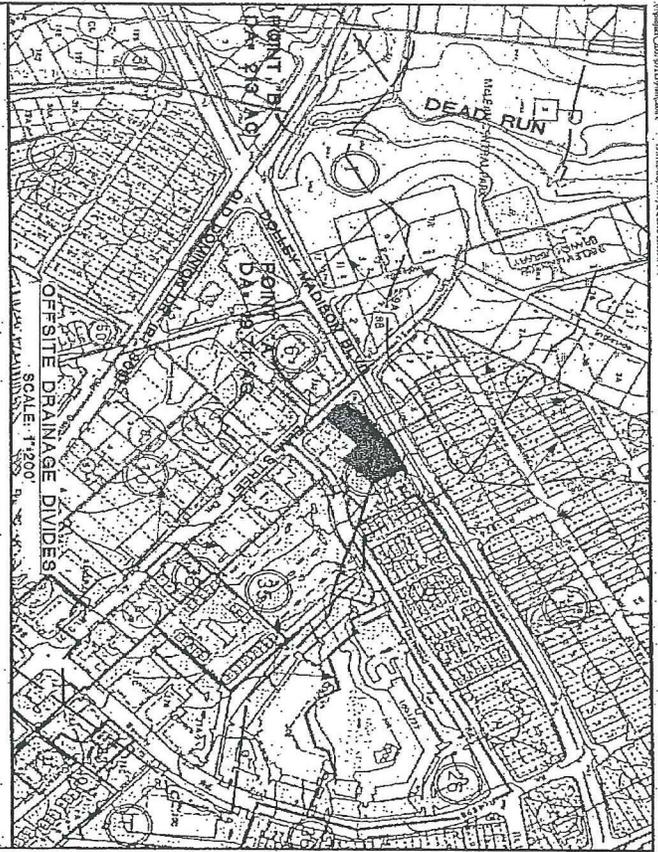
ELEVATIONS AND DETAILS
CHEVY CHASE BANK
DOLLEY MADISON BLVD

BRANDYVILLE DISTRICT
 FAYETTE COUNTY, VIRGINIA



BC Consultants
 Planners - Engineers - Surveyors - Landscape Architects
 12800 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
 (703)449-8100 (703)449-8108 (Fax)
 www.bccva.com

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BMP DIVIDES
SCALE: 1"=30'

#1 - TREATED AREA (EXISTING) 40-27-4C
 #2 - UNTREATED AREA (EXISTING) 40-43-4C

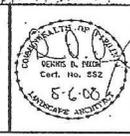
STORMWATER MANAGEMENT DIVIDES
SCALE: 1"=20'

#1 - ONSITE DETAINED 40-67-4C
 #2 - ONSITE UNDETAINED 40-63-4C
 #3 - OFFSITE DETAINED 40-04-4C

DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]
 SEE REVISIONS DATED: 7/21/06
 DATE OF ISSUE: 8/24/06
 SHEET NO. 6 OF 7

LOG NO.	001
CAD FILE: STORMWATER	
DATE: 08/24/06	
SCALE: 1"=20'	
SHEET: 6 OF 7	
FILE NO. 00113-V-00	
BC REVISIONS	
REVISED APRIL 7, 2006	
REVISED APRIL 8, 2006	
REVISED APRIL 15, 2006	
REVISED APRIL 29, 2006	
REVISED MAY 2, 2006	
APPROVED BY: [Signature]	
CHEVY CHASE BANK	
2501 WISCONSIN AVENUE	
8TH FLOOR	
CORPORATE FACILITIES	
BETHESDA, MD 20814	

STORMWATER MANAGEMENT PLAN
CHEVY CHASE BANK
DOLLEY MADISON BLVD
 DRAUGHTVILLE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



BC Consultants
 Planners - Engineers - Surveyors - Landscape Architects
 12600 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
 (703)449-8100 (703)449-8109 (Fax)
 www.bcon.com

DESCRIPTION OF THE APPLICATION

Capital One, National Association has requested the approval of an amendment to Special Exception (SE) 2008-DR-003, which allows the applicant to operate a drive-in financial institution. The approved SE also allows the applicant to exceed the maximum amount of building-mounted sign area. This amendment would permit a revision to the development conditions associated with the approved SE that currently governs the site.

The applicant has offered teller service on two of the bank's three drive-through lanes by way of two pneumatic tubes since the establishment of the use. However, the development conditions only describe Automatic Teller Machine (ATM) service for the drive-through lanes. Capital One has requested a revision to the development conditions to explicitly allow the use of the existing pneumatic tubes in two of the three drive-through lanes. The applicant's goal with this request is to bring greater clarity to the permitted use and function of the drive-through lanes and avoid a potential zoning violation.

The applicant would like a second revision to the conditions made to delete the color restriction on individual sign letters, which would allow the Capital One logo's white lettering to be used at this location. The approved development conditions require the applicant to use "individual letters of internally illuminated red plastic."

The applicant is also requesting a modification to the permitted hours of operation in order to mirror the hours used by other regional Capital One Banks.

The applicant is currently under a Notice of Violation from the Department of Code Compliance (DCC) for the building-mounted signs' white letters not conforming to the approved SE.

In conjunction with the above requests, the applicant is requesting a waiver of certain sign regulations to allow for an increase in the permitted sign area beyond the Zoning Ordinance's maximum threshold. The Zoning Ordinance would allow 60 square feet of building-mounted sign area, and the applicant wishes to maintain the 124 square feet approved with SE 2008-DR-003. No additional square footage beyond what was previously approved is proposed with the application.

No building additions or site modifications are proposed with the applicant's request. Other than the changes to the conditions outlined above, no other modifications of the conditions have been requested by the applicant.

The applicant has submitted eight requests for waivers and modifications of the requirements of the Zoning Ordinance. Except for the first bullet, each request would be a reaffirmation of previous waivers and modifications granted by the Board of Supervisors (BOS):

- Modification of the minimum lot width requirement in a Community Revitalization District (CRD) to permit a lot width of 60.37 feet instead of the required 100 feet;

- Waiver of the service drive requirement along Dolley Madison Boulevard;
- Waiver of the requirement to construct an on-road bike lane along Dolley Madison Boulevard in favor of a contribution to the Dranesville District Walkways Fund;
- Waiver of the loading space requirement;
- Modification of the minimum required front yard in a CRD
- Modification of the transitional screening requirement along the property's northwestern boundary;
- Waiver of the barrier requirement along the along the property's northwestern boundary; and,
- Modification of the peripheral parking lot landscaping requirement.

In lieu of submitting a new SE Plat showing the requested proposal, the applicant received a waiver of this submission requirement from the Department of Planning and Zoning (DPZ) and instead was granted permission to use the previously approved SE Plat. A reduced copy of this plat. Copies of the proposed development conditions, affidavit, and applicant's statement of justification are included in Appendices 1, 2, and 3, respectively.



Figure 1: A view of the subject property from the site's northernmost point, looking southwest along Dolley Madison Boulevard (Source – Fairfax County DPZ Staff site visit, 1/26/2012)

LOCATION AND CHARACTER

The subject property is a corner lot located at 6890 Elm Street at the intersection of Elm Street and Dolley Madison Boulevard. U.S. Route 123, which links the northern and southern parts of Fairfax County by way of Tysons Corner and the City of Fairfax, is called Dolley Madison Boulevard along this section of the road that passes through McLean. The intersection of Old Dominion Drive and Dolley Madison Boulevard, an important crossroads in McLean, is approximately 1000 feet to the southwest. The surrounding uses include single family detached houses to the northwest (Beverly Manor), single family attached houses to the northeast (McLean Crest), and offices to the south and east.

The property is located within the McLean CRD, which is an overlay zoning district "established to encourage economic development activities...in order to provide desirable employment and enlarge the tax base."¹ These districts are implemented in older commercial areas of Fairfax County to provide flexibility in certain zoning regulations when property owners develop or redevelop their property, while focusing on urban design measures such as streetscape and landscaping.

Capital One operates a Capital One Bank branch at this location. Originally a Chevy Chase Bank when constructed in 2009, the drive-in financial institution is 3,198 square feet and is sited close to the Dolley Madison/Elm intersection (Figure 1). Pedestrians make use of the 5-foot wide brick sidewalk with concrete banding along Dolley Madison Boulevard that is buffered from traffic with street trees. An identically designed sidewalk runs along the property's Elm Street frontage. Pedestrians may use either the Elm Street entrance or the parking lot entrance to access the building.

The 23-space parking lot which serves this branch is located behind the building, and is only accessible by vehicle from Elm Street. Vehicles use the drive aisle through the parking lot to access one of three drive-through lanes that serve the bank. The easternmost drive-through lane is served by a pneumatic tube for teller service, while the center lane gives customers access to a pneumatic tube and an ATM. The westernmost lane is only served by an ATM. Pedestrians have access to a third ATM next to the building's rear entrance from the parking lot.

The Dolley Madison/Elm intersection does not allow through movements on Elm Street; motorists make turn right from the northbound Dolley Madison Boulevard on to Elm, and make a right turn from Elm to head north on to Dolley Madison. Pedestrians may use a crosswalk to traverse Dolley Madison at this location.

In examining the vicinity's landscaping, the Dolley Madison Boulevard median contains a number of street trees. A small landscaped plaza with brick pavers is located at the street corner and the site's sidewalks are brick with concrete banding or solely brick. The site is further landscaped with street trees along its Dolley Madison and Elm frontages, and a variety of trees and shrubs surround the parking lot and screen views from the adjacent properties to the south and east.

¹ Fairfax County Zoning Ordinance, Appendix 7, Sect. A7-301 of Part 3.

BACKGROUND

On July 21, 2008, the Board of Supervisors (BOS) approved SE 2008-DR-003, which allowed Chevy Chase Bank to construct a drive-in financial institution. Chevy Chase was required to obtain an SE for their new building because drive-in financial institutions which are not included in a shopping center may only be permitted by SE in C-8 districts. The site was a consolidation of three smaller parcels. Each of these parcels had a former residential building that had been converted to a commercial use. The structures and all of the on-site vegetation were removed with the construction of the new building, parking spaces, remote teller canopy, and new landscaping.

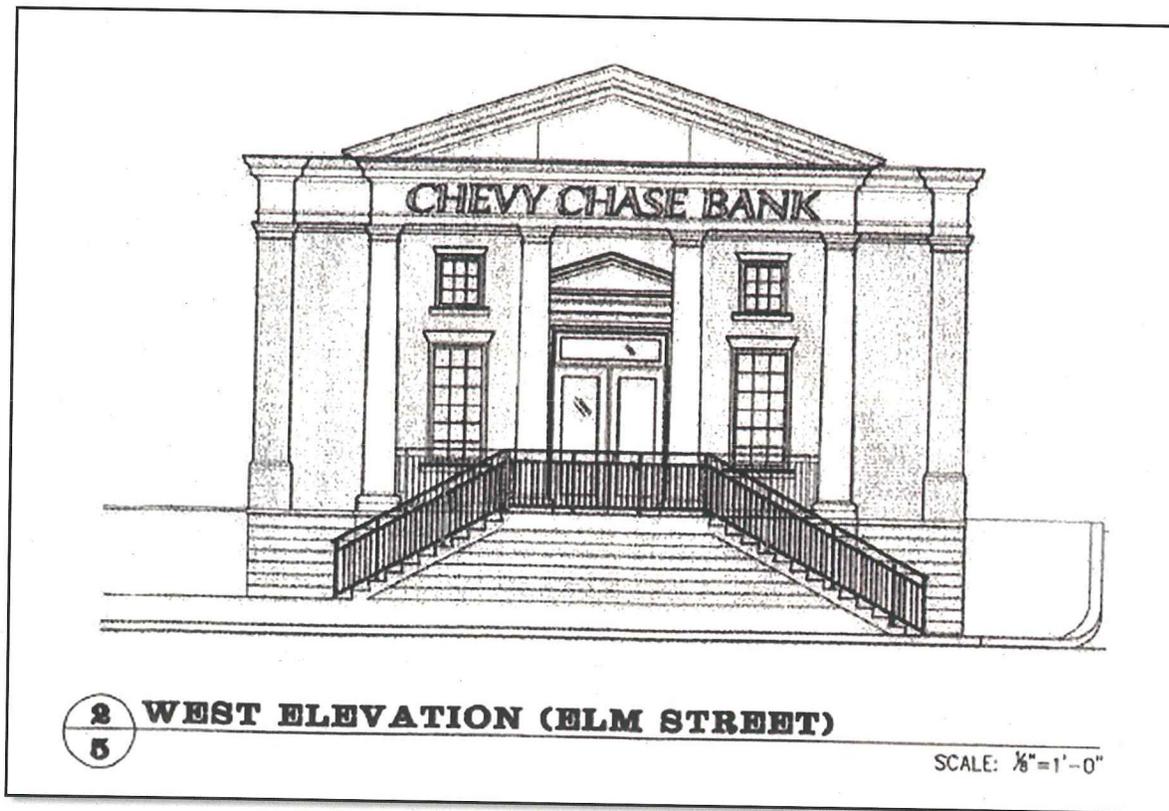


Figure 2: A portion of Sheet 5 of the SE Plat which shows the original Chevy Chase Bank building-mounted signs. (Source - BC Consultants, 2008)

The SE also permitted the applicant to erect a maximum of 124 square feet of building-mounted signage which was required to conform to the elevations shown in Figure 2. The development conditions adopted by the BOS limited the applicant to one 35 square foot sign for each side of the building, with no sign permitted on the southern side. The signs were required to use "individual letters of internally illuminated red plastic." The conditions required the applicant to turn off the sign on the northern side of the building, which faces the Beverly Manor neighborhood to the northwest, between 9:00pm and 7:00am. A copy of the development conditions which currently govern the site is attached as Appendix 4.

On July 21, 2011, DCC issued a Notice of Violation to the applicant for two separate violations. The first violation was associated with the use of white plastic for the building-mounted signs instead of the red specified in Development Condition #6 of the SE outlined in the previous paragraph. With the transfer of all former Chevy Chase Banks to Capital One Banks, each bank location erected new signs with the new company logo. The Capital One Bank signs used white letters to match the white in the Capital One logo. The DCC inspection also noted that the sign on the northern side of the building was lit between 9:00pm and 7:00am. Since the condition explicitly specified the letter coloring and the time frame to extinguish the sign, the applicant was violating the SE conditions.

The applicant also violated the maximum amount of square feet allowed for signage in the approved development conditions. The Capital One logo had been added to multiple directional signs, building entry door signs, and the illuminated cabinets above each ATM.

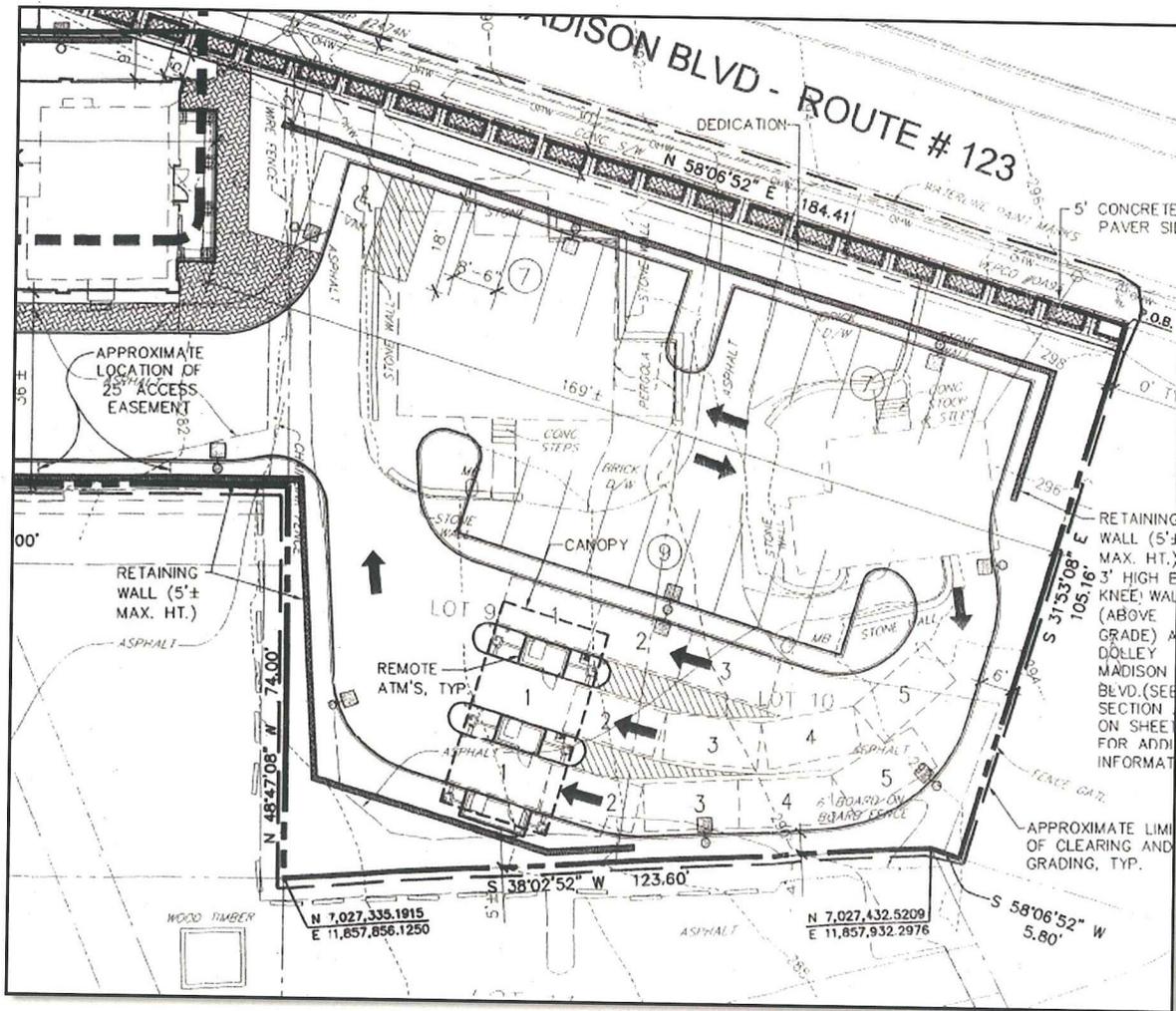


Figure 3: A portion of Sheet 1 of the SE Plat which shows the parking spaces and their relationship to the three drive-through lanes. (Source - BC Consultants, 2008)

To correct the sign violation, the applicant removed the Capital One logo from both doors to the building as well as the directional and ATM signs. The logo removal was intended to be a temporary solution while the applicant requested a Category 6 SE to permit an increase of the allowable sign area beyond that approved in 2008 so that the logo could be reinstalled on the various signs. Based on community feedback, the applicant has since revised this initial request and chosen to work within the maximum square footage previously approved by the BOS.

Exhibit 1 within the applicant's statement of justification outlines how the site's signs would be distributed amongst the previously approved amount of 124 square feet. The three building-mounted signs would use most of this square footage, while the applicant would reintroduce the Capital One logo on the building's Elm Street entrance, the ATM outside the building's parking lot entrance, and the westernmost ATM in the drive-through lanes.

DESCRIPTION OF THE SPECIAL EXCEPTION PLAT

Since no building additions or site modifications are proposed, a modification of the submission requirements was granted to allow the applicant to use a copy of the approved SE Plat for SE 2008-DR-003 as the SE Plat for this application. The plat shows the property's relationship with Elm Street and Dolley Madison Boulevard, and the location of the 3,198 square foot bank building.

The site's 23 parking spaces are accessed from Elm Street, and are on either side of the drive aisle that drive-through customers use to access the three drive-through lanes. There are 11 stacking spaces shown on Figure 3 to display how motorists would queue up for the remote drive-through lanes. The brick with concrete banding in the sidewalk is shown along both property frontages. For landscaping, there are 17 street trees and 22 additional trees in the parking lot and buffering the site from the property to the immediate east, along with shrubs throughout the site.

The SE Plat depicts the landscaped park with brick walkways at the western corner of the subject property (Figure 4). This portion of the site was dedicated as right-of-way, but is maintained by the applicant through a license agreement with Fairfax County.

ANALYSIS

Comprehensive Plan

The subject property is located within the McLean Community Business Center (CBC). The CBC is intended to provide "shopping and professional services to the surrounding community."² Due to the proximity to Tysons Corner, the identity of the McLean CBC is that of a "community-serving business district",

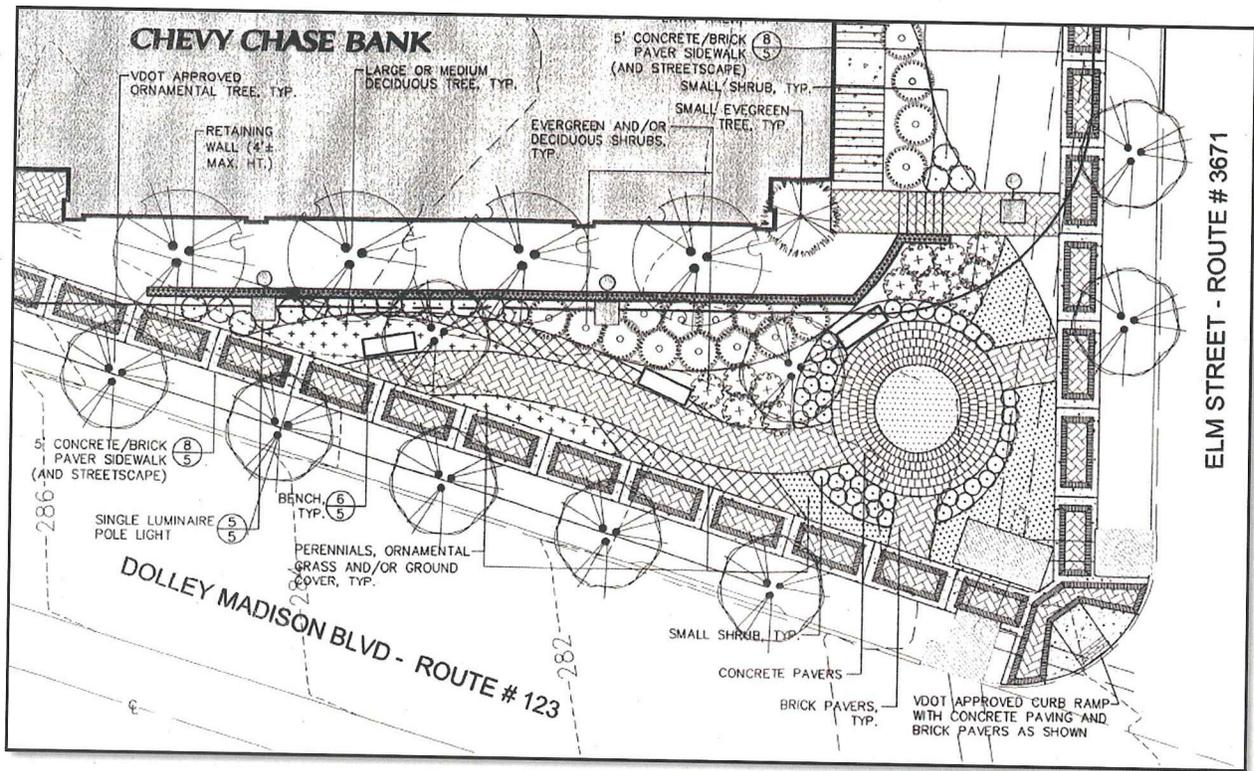


Figure 4: A portion of Sheet 2 of the SE Plat showing the details of the landscaping and pavers for the pocket park at the corner of Dolley Madison Boulevard and Elm Street. (Source - BC Consultants, 2008)

which serves the needs of the surrounding community instead of providing regional employment and shopping destinations.³

The property is within Subarea #27 of the McLean CBC, bounded by Dolley Madison Boulevard, Elm Street, Fleetwood Road, and Summit Road which has since been vacated. The guidelines list a number of objectives for massing, urban design, land uses, and pedestrian amenities.⁴ The existing features of the site would conform to the subarea guidelines related to public spaces and walkways. Because the applicant is making no building additions, the guidelines related to building form would be applicable should redevelopment occur in the future.

Office of Community Revitalization Analysis (Appendix 5)

The Office of Community Revitalization (OCR) found no issues with the applicant's request to allow the white lettering on the building-mounted signs. OCR was also comfortable with the development conditions being further clarified to allow the existing pneumatic tube assembly for two of the drive-through lanes along with the existing ATMs.

3 Fairfax County Comprehensive Plan, McLean Community Business Center, p. 20.
 4 Fairfax County Comprehensive Plan, McLean CBC Subarea Guidelines – Subarea #11, p. 73

General Special Exception Standards (Sect. 9-006)

All special exception uses shall satisfy the following general standards:

1. *The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.*

The applicant's request to use an alternative letter color on the building mounted signs and to maintain the approved amount of sign area generates no additional impacts beyond those examined by the BOS for the approved SE. By carrying forward the development conditions from SE 2008-DR-003, the applicant's request is in harmony with the Comprehensive Plan.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The purpose and intent of the C-2 zone is to provide areas where non-retail commercial uses maybe located, such as financial institutions, and to provide for such uses at a low intensity that offers a transition from higher intensity uses and residential uses. The proposed use is harmonious with the C-8 district purpose and intent.

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.*

Staff was initially concerned that the prospect of an additional illumination source might adversely affect the Beverly Manor residences across Dolley Madison Road from the subject property. Unlike the building-mounted sign that faced the neighborhood (Figure 5), no development condition was proposed that required the applicant to turn off the sign in the lighted cabinet above the ATM's. This ATM sign would be considered a building-mounted sign per Article 20 of the Zoning Ordinance. According to the applicant, the sign would be backlit display screen (Figure 6). by a 55-watt bulb. The lighting for this sign is connected to one master switch which controls the lighting for the sign, the display screen, and the other lights that provide ambient illumination from the ATM for evening customers. The applicant was unable to provide a mechanism for separating the cabinet's lighting from the rest of the ATM's lights.



Figure 5: A view of the Capital One building-mounted sign which can be seen from the Beverly Manor neighborhood across Dolley Madison Boulevard from the subject property. (Source – Fairfax County DPZ Staff site visit, 1/26/2012)

Staff conducted a site visit during night-time hours to the subject property. The illumination from the cabinet is currently obscured by a solid blue panel, but the other lights associated with the ATM, including the lights which create greater visibility for customers as a safety precaution, were visible from the sidewalk across Dolley Madison Boulevard. The addition of the ATM cabinet light with the Capital One logo would not be more pronounced than the other lights illuminating the remote drive-through lanes, as opposed to the building-mounted sign which is one of the sole light sources on the side of the building that faces the residences. Staff has included a development condition to ensure that the applicant complies with the outdoor lighting standards listed in Article 14 of the Zoning Ordinance, which would mitigate adverse impacts associated with these and other lighting scattered throughout the site.

The development conditions associated with the approved SE prescribed hours of operation for the drive-in financial institution to not exceed 9:00 AM to 7:00pm for Monday through Friday and 9:00 AM to 3:00 PM on Saturdays.

According to Capital One's website, their branch at this location is open 9:00 AM to 5:00 PM Monday through Thursday, 9:00 AM to 7:00 PM on Fridays, and 9:00 AM to 1:00 PM on Saturdays.

The applicant has requested that the hours of operation listed in the development conditions be revised to 8:00 AM -7:00 PM Monday through Friday and 8:00 AM – 3:00 PM on Saturdays. Staff is supportive of the applicant's request, which falls within the general range of hours for similar uses and limits the potential for disturbance to adversely impact neighboring properties in the early morning or late evening hours. Capital One does not propose changing the branch hours listed on their website for this location; however, staff is comfortable with the additional flexibility requested for early evenings during the week and early afternoon on Saturdays should the applicant wish to make minor changes to the posted hours of operation.



Figure 6: The ATM on the westernmost drive-through lane. The blue area above the display screen would be the location of the proposed sign, which would be a Capital One logo. (Source – Fairfax County DPZ Staff site visit, 1/26/2012)

The applicant's request is harmonious with the neighboring properties, does not adversely affect their use or development in accordance with the Zoning Ordinance or Comprehensive Plan, and the site features listed above would not hinder or discourage the development of nearby land or buildings, nor impair their value.

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.*

The applicant's request does not cause the traffic associated with proposed use to be hazardous or conflict with the 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.*

With the recommended waivers and modifications, the existing landscaping and screening is in accordance with the provisions and standards of Article 13 of the Zoning Ordinance. These waivers and modifications are examined in greater detail on page 16.

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

The applicant has provided an amount of open space that exceeds the requirements for the C-2 zoning district.

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.*

The Department of Public Works and Environmental Services has verified with staff that the adequate facilities to serve the proposed use are in place.

The Zoning Ordinance requires 4 spaces per 1000 square feet of gross floor area for customer service, lobby and teller area, plus additional space as required herein for any associated offices. Based on the square footage listed on the SE Plat, the applicant must provide a minimum of 13 parking spaces. The CRD regulations allow a reduction of the minimum off-street parking requirement up to 20%; in this instance, the applicant may reduce the parking count up to 3 spaces. The 23 parking spaces provided exceeds the minimum number of parking spaces required per the Zoning Ordinance.

Standard C in Sect. 11-203 Zoning Ordinance requires the applicant to provide 1 loading space for the first 10,000 square feet of gross floor area of a building, plus 1 space for each additional 20,000 square feet or major fraction

thereof. The analysis of the applicant's waiver request from this requirement can be found on page 16.

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.*

All signs related to the proposed use will be required to have a sign permit issued by the Zoning Inspections Branch of DPZ, and shall be in accordance with the provisions of Article 12 of the Zoning Ordinance.

In summary, the proposed use satisfies all of the General Special Exception Standards.

Standards for all Category 5 Uses (Sect. 9-503)

All Category 5 uses shall satisfy the following standards:

1. *Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.*

The applicant has requested a series of waivers and modifications associated with the lot size and bulk regulations of the C-2 and CRD districts. These requests are evaluated in the staff analysis of the applicable Zoning Ordinance Provisions on page 14.

2. *All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.*

With the approval of the proposed development conditions, the proposed use complies with all performance standards in Article 14.

3. *Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.*

The proposed use would not trigger the submission requirements for a site plan based on the proposed changes to the site's signage to implement the SE; thus, this standard is not applicable.

In summary, the proposed use satisfies all of the Standards for Category 5 Uses.

Additional Standards for Automobile-Oriented Uses (Sect. 9-505)

Automobile-oriented uses, when permitted by special exception, shall satisfy the following standards:

- A. *Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.*

The proposed use would be architecturally compatible with the surrounding properties along Dolley Madison Boulevard and Elm Street. Staff would work with the applicant to ensure that the building design would be compatible with the surrounding architecture if the applicant submitted a rezoning or special exception in the future for a redevelopment of the parcel.

- B. *Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.*

The existing sidewalks constructed with the implementation of SE 2008-DR-003 provide pedestrian connections along the existing street network. In addition, the applicant was required to provide a 25-foot wide interparcel access easement to access the parcel to the south. This easement would provide an additional transportation link to the adjacent parcel in the event that it redevelops.

- C. *The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.*

The site brings cars to one entrance along Elm Street and circulates them one way through the drive-through lanes back to Elm Street. These movements are part of a safe and efficient on-site circulation pattern. The applicant would continue to provide the required parking and stacking spaces per the Zoning Ordinance, which would facilitate safe and convenient vehicle and pedestrian access to the on-site uses.

- D. *In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.*

The area and width of the lot is sufficient to accommodate the applicant's request. Based on the development conditions that would be carried forward and the condition added by staff for lighting purposes, staff is not concerned that the use would have adverse impacts on the nearby residential area.

- E. *For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.*

The proposed use is not be a drive-through pharmacy. This standard is not applicable.

In summary, the proposed use satisfies all applicable Additional Standards for Automobile-Oriented Uses.

Sign Control Standards (Sect. 12-204)

The subject property is located in a Sign Control Overlay District. Any signs that the applicant installs would need a sign permit and would need to conform to Sect. 12-204 of the Zoning Ordinance.

Highway Corridor Standards (Sect. 7-600)

The subject property is located in a Highway Corridor Overlay District. Drive-in financial institutions are subject to the provisions of this overlay district. The sidewalks along Dolley Madison Boulevard and Elm Street demonstrate that the pedestrian circulation can easily be coordinated with the adjacent properties. Vehicular circulation would be coordinated with the adjacent property to the south through the use of the 25-foot wide interparcel access easement. This easement would facilitate future access to Fleetwood Road. The design of the site's vehicular access from and to Elm Street would not impede the traffic on Chain Bridge Road, which carries the heavier load of through traffic. Finally, no outdoor storage or display of goods offered for sale would be permitted per the district standards.

In summary, the proposed use satisfies all applicable use limitations for the Highway Corridor Overlay District.

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

The applicant was deemed to conform with the sign regulations waiver standards when the original Special Exception was approved. No changes are proposed which would alter those findings. The requested revisions to the development conditions, as outlined in Appendix 1, would not disrupt the conformity of the applicant's proposal with the above standards.

ZONING ORDINANCE PROVISIONS

A comparison of the C-2 District requirements and the subject property are outlined below in Table 1:

TABLE 1 - Bulk Standards for C-2 Zoning		
Standard	Required	Provided
Lot Size	Minimum 20,000 sq. ft.	30,363 sq. ft.
Lot Width	Minimum 100 ft.	Dolley Madison Blvd. - ≈184 ft. ⁵ Dolley Madison Blvd. - ≈98 ft. Elm Street - ≈60 ft.
Maximum Building Height	Maximum 50 ft.	29 ft.
Required Front Yard	C-2 Districts - 30 degree angle of bulk plane, but no less than 25 feet CRD - 20 feet	Dolley Madison Blvd. - ≈5 ft. ⁶ Elm Street - ≈37 ft.
Required Side Yard	None required	≈38 ft.
Required Rear Yard	25 feet	≈169 feet
Maximum FAR	0.50	0.11
Minimum Open Space	30% of gross area shall be landscaped open space	30.8%
Parking Spaces (Drive-In Financial Institution)	10 spaces	23 spaces
Stacking Spaces	12 ⁷	13
Loading Spaces	Standard C	None

WAIVERS AND MODIFICATIONS

- **Lot width**

The BOS may modify the above provisions in a CRD in conjunction with the approval of a special exception. Staff supports the applicant's request for a waiver of the minimum lot width requirements, as no building additions or site modifications would be made as a result of the applicant's request. This approval would be in accordance with and would further the implementation of the Comprehensive Plan for the McLean CRD, which seeks to "stabilize the

5 The lot line along the Dolley Madison Boulevard frontage has two distinct sections; both abut Dolley Madison but create two front yard lines or "street lines" that form the boundary of the lot. The applicant has requested a waiver of the minimum lot width requirement.

6 The applicant has requested a waiver of the minimum yard requirement.

7 The Zoning Ordinance requires 8 stacking spaces in front of the first window and 2 stacking spaces in front of each additional window, except that 5 stacking spaces may be permitted in front of each of the first two windows, provided that both windows shall always remain open when the drive-in facility is operational.

Community Business Center's intended function as a community –serving retail and business center while upgrading its existing image" and to "enhance the public streetscape and improvement of private property, especially large parking lots."⁸

- **Modification of required front yard**
- **Modification of transitional screening and barrier requirements**
- **Modification of peripheral parking lot landscaping**
- **Waiver of loading spaces**
- **Waiver of service drive**

The applicant has requested that the BOS reaffirm their previous approval of the above waivers and modifications. Since the applicant's request does not involve modifications to the existing improvements, the circumstances have not changed in such a way that staff would alter its previous recommendation for approval of the waivers and modifications. Staff recommends that the previously approved waivers and modifications be reaffirmed.

CONCLUSIONS

In summary, the applicant's requests outlined below would have no adverse impacts on the surrounding properties:

- Use white lettering instead of red for the building-mounted signs;
- Clarify the use of the existing pneumatic tubes for teller service;
- Reaffirm the previously approved increase in sign area; and,
- Revise the approved hours of operation.

The applicant's request is in harmony with the Comprehensive Plan and meets all applicable provisions of the Zoning Ordinance.

STAFF RECOMMENDATION

Staff recommends approval of SEA 2008-DR-003, subject to development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a modification of the minimum lot width requirement to permit a lot width of 60.37 feet instead of the required 100 feet.

Staff recommends reaffirmation of the waiver of the service drive requirement along Dolley Madison Boulevard.

8 Fairfax County Comprehensive Plan, McLean Community Business Center, p. 23.

Staff recommends reaffirmation of the waiver of the requirement to construct an on-road bike lane along Dolley Madison Boulevard in favor of a contribution to the Dranesville District Walkways Fund.

Staff recommends reaffirmation of the waiver of the loading space requirement.

Staff recommends reaffirmation of the modification to the front yard requirements in a Commercial Revitalization District in favor of what is shown on the SE Plat.

Staff recommends reaffirmation of the modification of the transitional screening requirement and a waiver of the barrier requirement to the north, along Dolley Madison Boulevard, in favor of that shown on the SE Plat.

Staff recommends reaffirmation of the modification to the required peripheral parking lot landscaping in favor of that shown on the SE Plat.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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

APPENDICES

1. Proposed Development Conditions dated April 12, 2012
2. Affidavit dated March 27, 2012
3. Applicant's Statement of Justification
4. Approval Letter from Clerk to the BOS for SE 2008-DR-003 dated July 22, 2008
5. Office of Community Revitalization Analysis
6. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SEA 2008-DR-003

April 12, 2012

If it is the intent of the Board of Supervisors to approve SEA 2008-DR-003 located at 6890 Elm Street, Tax Map 30-2 ((5)) 6A, for a drive-in financial institution, waiver of certain sign regulations and waivers and modifications in a CRD pursuant to Sect. 4-204, 7-607, and 9-622 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions. Those conditions carried forward from the previous approval are marked with an asterisk(*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land. *
2. This Special Exception Amendment 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 Amendment is subject to the provision of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Chevy Chase Bank, Dolley Madison Blvd.", prepared by BC Consultants and dated November 2007, as revised through May 2, 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. *
4. Architectural elevations shall be in substantial conformance with those shown on the SE Plat. Materials shall be brick, synthetic stucco entablature and pediments, painted columns and trim as shown on the elevations in the SE Plat. *
5. The three drive-through lanes shown on the SE Plat shall have a maximum of three ATM facilities. The applicant may include the use of a pneumatic tube for teller service for up to two drive-through lanes.
6. The total amount of building-mounted signage shall be limited to a maximum of 124 square feet (SF) and shall be in substantial conformance with that shown on the elevations. No more than one sign, 35 SF in size, shall be permitted on each side of the proposed building and no sign shall be permitted on the southern side of the building. The building-mounted signage on the northern façade of the building shall be unlit from 9:00 p.m. to 7:00 a.m. daily.
7. A landscape plan shall be submitted concurrent with each site plan submission and shall provide for the number and size of trees and plantings consistent with that shown on the SE Plat and the additional requirements of these conditions.

The landscape plan shall specify the appropriate soils, including structural soils, to be used in planting areas 8 feet wide or less. Trees planted along Dolley Madison Boulevard, in the area near the existing overhead power lines, shall be chosen and planted such that these utility lines will not interfere with the viability and aesthetics of the trees. If smaller trees are required in that area, tree cover requirements shall be met with the smaller trees or with trees elsewhere onsite. The landscape plan shall be subject to the review and approval of Urban Forest Management (UFM). *

8. As part of the first site plan submission, a tree survey and Tree Preservation Plan shall be submitted that identifies the trunk location, species, size, crown spread and condition analysis rating for all individual and groups of off-site trees, living or dead with trunks 6 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet of the approved limits of clearing and grading shall also be submitted for review by UFM. *
9. The limits of clearing and grading shown on the SE Plat shall be strictly adhered to. The site plan shall clearly identify these areas as shown on the SE Plat. *
10. Any work occurring in or adjacent to the areas to be left undisturbed, including off site areas, such as root pruning, instillation of tree protection fencing and silt control devices, removal of trash, or plant debris, or extraction of trees designated to be removed shall be performed in a manner that minimizes damage to any tree, shrub, herbaceous, or vine plant species that grows in the lower canopy environment; and minimizes impacts to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation, all as approved by UFM. The use of power equipment in these areas shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger motorized equipment such as, but not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by UFM. *
11. As part of the site plan, management practices shall be provided for the protection of understory plant materials, leaf litter and soil conditions found in areas to be left undisturbed, subject to the approval of the Urban Forest Management Division. The applicant shall actively monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. The understory plant materials, leaf litter and soil conditions shall be restored by the applicant to the satisfaction of UFM if these are found to be damaged, removed or altered in manner not allowed in writing by UFM. *
12. All individual trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage as set forth below. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading, and shall be shown on the demolition and phase I and II erosion and sediment control sheets:

- Four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart (see attached detail); or
 - Super silt fence as may be approved by UFM to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees. *
13. All tree protection fencing shall be installed prior to Phase II clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation that is required to be preserved/conserved. At least three days prior to the commencement of any clearing, grading, or demolition activities and prior to the installation of tree protection fencing, UFM shall be notified in writing and given the opportunity to inspect the site to assure that all individual trees to be preserved and all areas to be left undisturbed have been correctly delineated. UFM shall provide written notice to the applicant as to whether or not the areas have been delineated correctly. If it is determined by UFM that the areas are not delineated correctly, no grading or construction activities shall occur on the subject property until the delineation is corrected and field verified by UFM. *
14. Temporary signs shall be provided and erected by the applicant that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the tree protection fencing. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to left undisturbed. These signs shall be removed by the applicant at the completion of construction. *
15. The services of a certified arborist or landscape architect shall be retained by the applicant. The limits of clearing and grading shall be marked with a continuous line of flagging prior to the pre-construction meeting. Prior to commencement of any land disturbing activities, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a representative from UFM, DPWES to determine where adjustments to the clearing limits can be made to increase the size of the area to be left undisturbed, and to increase the survivability of trees to be preserved that occur along the edge of the limits of clearing and grading, and/or identify hazardous trees that need to be removed. Any adjustments agreed to by the applicant and UFM shall be agreed upon and memorialized in writing by both the applicant and UFM before any such adjustments are implemented, and such adjustments shall be implemented. Trees to be removed shall be tagged in the field. Trees that are identified in writing by an authorized representative of UFM as dead or dying may be removed as part of the clearing operation. Any tree that is so identified shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump

grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions. *

16. The site shall be monitored by a representative of the applicant who is a certified arborist or landscape architect to ensure that the activities are conducted in accordance with the development conditions and as approved by the UFM. Monitoring shall occur at all times during the installation of tree protection fencing and during any clearing or removal of trees, vegetation, or structures, or transplanting of trees or vegetation, or other similar activities, on the site in the areas within 25 feet of the limits of clearing and grading along the 5-foot high retaining wall on the southern property boundary. The monitoring schedule shall be described and detailed in the Tree Preservation Plan and shall be reviewed and approved in writing by UFM. *
17. Prior to site plan approval, a license agreement shall be entered into by the applicant with the County to permit landscaping to be provided and maintained by the applicant in the right of way along Dolley Madison Boulevard and Elm Street, including in the area to be dedicated on those roadways, as shown on the SE Plat. *
18. If the trees, labeled as "VDOT approved ornamental trees", are not approved by VDOT in the license agreement, these trees shall not be planted. These trees shall not be required to be replaced elsewhere onsite. *
19. All lighting, including streetlights, security lighting, signage lighting (during the allowed hours as listed within these conditions) and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance. *
20. At the time of site plan approval, or on demand (whichever occurs first) right-of-way for future improvements along Dolley Madison Blvd. and Elm Street, as shown on the SE Plat shall be dedicated to the Board of Supervisors in fee simple at no cost as shown on the SE Plat. *
21. Prior to site plan approval, a 25-foot wide interparcel access easement shall be recorded, as depicted on the SE Plat, to access the parcel to the south, Tax Map Parcel 30-2 ((5)) 7. Any wall or other structural impediment shall be removed at the time of the construction of this access. *
22. A stormwater management/best management practices (SWM/BMP) facility, which may include a Filterra, shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES. Any required PFM modification shall be requested at the time of site plan to permit the use an innovative BMP. Irrespective of any language in the Stormwater Management Narrative or Extent of Review and Outfall Narrative, a stormwater detention facility shall be constructed by the applicant as proposed in the Special Exception Plat, regardless of the final adequate outfall determination. If a modification of the PFM to permit the proposed stormwater management and/or best management practices as shown on the SE Plat is not granted by DPWES and SWM/BMP facilities in substantial conformance with the SE Plat cannot be provided, then a Special Exception Amendment (SEA) shall be filed to provide water quantity

and/or quality control measures in accordance with the Public Facilities Manual (PFM) as determined by DPWES. *

23. The lobby hours of operation shall not exceed 8:00 am to 7:00 pm Monday to Friday and 8:00 am to 3:00 pm on Saturdays. The ATMs shall operate 24 hours a day, seven days a week.
24. Registration with the United States Green Building Council (USGBC) shall be completed by the applicant and LEED certification shall be applied for by the applicant. *
25. A LEED[®]-accredited professional shall be included as a member of the design team. This professional will also be a professional engineer or architect licensed to practice in the Commonwealth of Virginia. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovative technologies into the project so that the project will attain LEED certification. At the time of site plan submission, the applicant will provide documentation to the Environment and Development Review Branch of the Department of Planning and Zoning (DPZ) demonstrating compliance with the commitment to engage such a professional. *
26. Prior to approval of the site plan for this building, a separate agreement shall be provided for this building, a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the PFM, in the amount of \$62,000. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED[®]-NC) rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment. The provision to the Environment and Development Review Branch of DPZ, within one year of issuance of the RUP/non-RUP for the building, 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 provides to the Environment and Development Review Branch of DPZ, within one year of issuance of the RUP/non-RUP for the building, documentation demonstrating that LEED certification for the building has not been attained but that the building has been determined by the U.S. Green Building Council to fall within three points of attainment of LEED certification, 50% of the escrow will be released to the applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the applicant fails to provide, within one year of issuance of the RUP/non-RUP for the building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification or demonstrating

that the building has fallen short of certification by three points or less, the entirety of the escrow for that building will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives. *

27. Irrespective of the calculation shown on Sheet 2 of the SE Plat under the "Interior Parking Lot Landscaping" indicating the number "2,676 SF", 1,000 SF of interior parking lot landscaping will be provided by the applicant. *
28. Prior to site plan approval for this building, in lieu of the construction of an on-road bike lane along the Dolley Madison Boulevard frontage, up to \$60,000, for the cost of construction of said on-road bike lane, shall be deposited by the applicant into the Dranesville District Walkways Fund for construction and/or maintenance of pedestrian amenities within the Dranesville District. *
29. All lighting on site shall conform to the outdoor lighting standards listed in Article 14 of the Zoning Ordinance.

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, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the use. 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: MAR 27 2012
 (enter date affidavit is notarized)

I, Lisa M. Chiblow, 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

114440a

in Application No.(s): SEA 2008-DR-003
 (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)
Capital One, National Association Agent: Helen C. Cejas Joseph B. Pearson	1680 Capital One Drive McLean, VA 22102	Applicant/Title Owner of Tax Map No. 30-2 ((5)) 6A
McGuireWoods LLP Agents: Scott E. Adams Carson Lee Fifer, Jr. David R. Gill Jonathan P. Rak Gregory A. Riegle Mark M. Viani Kenneth W. Wire Sheri L. Akin Lisa M. Chiblow Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 Tysons Corner, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
DMS Sign Connection, Inc. Agent: John F. Kelly	102 Lookout Avenue Mount Airy, MD 21771	Sign Consultant/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 AFFIDAVIT

DATE: MAR 27 2012
(enter date affidavit is notarized)

114440 a

for Application No. (s): SEA 2008-DR-003
(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)
Capital One, National Association
1680 Capital One Drive
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 SHAREHOLDERS: (enter first name, middle initial and last name)

Capital One Financial Corporation

(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: MAR 27 2012
(enter date affidavit is notarized)

1144402

for Application No. (s): SEA 2008-DR-003
(enter County-assigned application number (s))

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

Capital One Financial Corporation
1680 Capital One Drive
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)

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

DMS Sign Connection, Inc.
102 Lookout Avenue
Mount Airy, MD 21771

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)

Maura A. Kelly

(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: MAR 27 2012
(enter date affidavit is notarized)

114440 a

for Application No. (s): SEA 2008-DR-003
(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)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

(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)

Equity Partners of McGuireWoods LLP

- | | | |
|-------------------------|-----------------------|-----------------------|
| Adams, John D. | Beil, Marshall H. | Burk, Eric L. |
| Alphonso, Gordon R. | Belcher, Dennis I. | Busch, Stephen D. |
| Anderson, Arthur E., II | Bell, Craig D. | Cabaniss, Thomas E. |
| Anderson, Mark E. | Beresford, Richard A. | Cacheris, Kimberly Q. |
| Andre-Dumont, Hubert | Bilik, R. E. | Cairns, Scott S. |
| Bagley, Terrence M. | Blank, Jonathan T. | Capwell, Jeffrey R. |
| Barger, Brian D. | Boland, J. W. | Cason, Alan C. |
| Barnum, John W. | Brenner, Irving M. | Chaffin, Rebecca S. |
| Becker, Scott L. | Brooks, Edwin E. | Cobb, John H. |
| Becket, Thomas L. | Brose, R. C. | Cogbill, John V., III |

(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 Attachment to Par. 1(c)

DATE: MAR 27 2012
(enter date affidavit is notarized)

114440

for Application No. (s): SEA 2008-DR-003
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)Covington, Peter J.
Cramer, Robert W.
Cromwell, Richard J.
Culbertson, Craig R.
Cullen, Richard (nmi)
Cutler, Christopher M.
Daglio, Michael R.
De Ridder, Patrick A.
Dickerman, Dorothea W.
DiMattia, Michael J.
Dooley, Kathleen H.
Downing, Scott P.
Edwards, Elizabeth F.
Ensing, Donald A.
Ey, Douglas W., Jr.
Farrell, Thomas M.
Feller, Howard (nmi)
Fennebresque, John C.
Foley, Douglas M.
Fox, Charles D., IV
France, Bonnie M.
Franklin, Ronald G.
Fratkin, Bryan A.
Freedlander, Mark E.
Freeman, Jeremy D.
Fuhr, Joy C.
Gambill, Michael A.Gibson, Donald J., Jr.
Glassman, Margaret M.
Glickson, Scott L.
Gold, Stephen (nmi)
Goldstein, Philip (nmi)
Grant, Richard S.
Greenberg, Richard T.
Grieb, John T.
Harmon, Jonathan P.
Harmon, T. C.
Hartsell, David L.
Hatcher, J. K.
Hayden, Patrick L.
Hayes, Dion W.
Heberton, George H.
Hedrick, James T., Jr.
Horne, Patrick T.
Hosmer, Patricia F.
Hutson, Benne C.
Isaf, Fred T.
Jackson, J. B.
Jarashow, Richard L.
Jordan, Hilary P.
Kanazawa, Sidney K.
Kannensohn, Kimberly J.
Katsantonis, Joanne (nmi)
Kerr, James Y., IIKilpatrick, Gregory R.
King, Donald E.
King, Sally D.
Kittrell, Steven D.
Kobayashi, Naho (nmi)
Kratz, Timothy H.
Krueger, Kurt J.
Kutrow, Bradley R.
La Fratta, Mark J.
Lias-Booker, Ava E.
Lieberman, Richard E.
Little, Nancy R.
Long, William M.
Manning, Amy B.
Marianes, William B.
Marks, Robert G.
Marshall, Gary S.
Marshall, Harrison L., Jr.
Marsico, Leonard J.
Martin, Cecil E., III
Martin, George K.
Martinez, Peter W.
Mason, Richard J.
Mathews, Eugene E., III
Mayberry, William C.
McCallum, Steven C.
McDonald, John G.(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: MAR 27 2012
(enter date affidavit is notarized)

114440a

for Application No. (s): SEA 2008-DR-003
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

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

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

- | | | |
|----------------------------|-------------------------|---------------------------|
| McElligott, James P. | Rakison, Robert B. | Steen, Bruce M. |
| McFarland, Robert W. | Reid, Joseph K., III | Stein, Marta A. |
| McIntyre, Charles W. | Richardson, David L. | Stone, Jacquelyn E. |
| McLean, J. D. | Riegle, Gregory A. | Swan, David I. |
| McRill, Emery B. | Riley, James B., Jr. | Tackley, Michael O. |
| Moldovan, Victor L. | Riopelle, Brian C. | Tarry, Samuel L., Jr. |
| Muckenfuss, Robert A. | Roberts, Manley W. | Thornhill, James A. |
| Muir, Arthur B. | Robinson, Stephen W. | Van der Mersch, Xavier G. |
| Murphy, Sean F. | Rogers, Marvin L. | Vaughn, Scott P. |
| Natarajan, Rajsekhar (nmi) | Rohman, Thomas P. | Vick, Howard C., Jr. |
| Neale, James F. | Rosen, Gregg M. | Viola, Richard W. |
| Nesbit, Christopher S. | Rust, Dana L. | Wade, H. L., Jr. |
| Nickens, Jacks C. | Satterwhite, Rodney A. | Walker, John T., IV |
| O'Grady, Clive R. | Scheurer, P. C. | Walker, W. K., Jr. |
| O'Grady, John B. | Schewel, Michael J. | Walsh, James H. |
| O'Hare, James P. | Schill, Gilbert E., Jr. | Watts, Stephen H., II |
| Oakey, David N. | Schmidt, Gordon W. | Westwood, Scott E. |
| Oostdyk, Scott C. | Sellers, Jane W. | Whelpley, David B., Jr. |
| Padgett, John D. | Shelley, Patrick M. | White, H. R., III |
| Parker, Brian K. | Simmons, L. D., II | White, Walter H., Jr. |
| Phears, H. W. | Simmons, Robert W. | Wilburn, John D. |
| Phillips, Michael R. | Skinner, Halcyon E. | Williams, Steven R. |
| Plotkin, Robert S. | Slone, Daniel K. | Wren, Elizabeth G. |
| Pryor, Robert H. | Spahn, Thomas E. | Young, Kevin J. |
| Pusateri, David P. | Spitz, Joel H. | |
| Rak, Jonathan P. | Stallings, Thomas J. | |

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: MAR 27 2012
(enter date affidavit is notarized)

114440a

for Application No. (s): SEA 2008-DR-003
(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: MAR 27 2012
(enter date affidavit is notarized)

114440

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.)

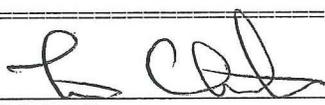
NONE

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

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

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

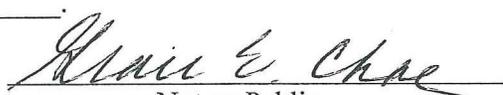
WITNESS the following signature:



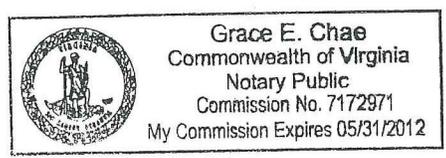
(check one) Applicant Applicant's Authorized Agent

Lisa M. Chiblow, Land Use Planner
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 27th day of March, 20 12, in the State/Comm. of Virginia, County/City of Fairfax.


Notary Public

My commission expires: 5/31/2012



**Statement of Justification
Special Exception Amendment - SE 2008-DR-003**

Capital One Bank – 6890 Elm Street, Tax Map #30-2-((5))-6A

Revised April 3, 2012

This Special Exception Amendment is being filed on behalf of Capital One, National Association ("Capital One"). The subject property is located at 6890 Elm Street which is in the southeast quadrant of Dolley Madison Blvd. and Elm Street in the Dranesville District. The proposal is described in detail below. The scope of this Special Exception Amendment will not require any changes to the building, parking area or site infrastructure.

The Special Exception Criteria are addressed in Attachment A and the Waiver of Sign Regulations Criteria are addressed in Attachment B.

I. Summary of Proposal

The purpose of this Special Exception Amendment is to amend the Special Exception conditions associated with SE 2008-DR-003. Specifically, Special Exception Condition #6 is proposed to be amended.

#6. The total amount of building-mounted signage shall be limited to a maximum of 124 square feet (SF) and shall be in substantial conformance with that shown on the elevations. No more than one sign, 35 SF in size, shall be permitted on each side of the proposed building and no sign shall be permitted on the southern side of the building. These signs shall consist of individual letters of internally illuminated red plastic. The building-mounted signage on the northern facade of the building and the ATM structure shall be unlit from 9:00 pm to 7:00 am daily.

The proposed changes include:

- a) Amend Condition #6 to allow white lettering.
- b) Maintain the existing 124 sq. ft. of signage copy area previously approved with the Special Exception approval. The three constructed 35 sq. ft. building signs will remain and the unused 19 sq. ft. may be utilized to add the Capital One bank logo to the building ATM, outside lane drive through ATM and northern entrance door. A chart detailing the proposed sign area is attached as Exhibit 1.
- c) Although not specified in the existing Special Exception conditions, the Applicant would like to clarify and/or confirm that the two drive-through lanes along the eastern side of the property be allowed to operate pneumatic tube assembly in addition to an automated teller machine (ATM) in order to service a so-called "teller express"

window. This flexibility provides another service option to the bank's elderly and disabled customers.

II. **Comprehensive Plan/Zoning Ordinance**

Fundamentally, the bank use is compliant with the land use recommendations of the Plan. The site also benefits from added requirements that encourage the placement of buildings close to roads to increase prominence and screen parking.

Further detail concerning compliance with the Plan and the Zoning Ordinance is provided in Attachment B.

III. **Conclusion.**

The proposed Special Exception Amendment is consistent with the current Comprehensive Plan recommendations and except as noted herein, will comply with all Ordinances, regulations and adopted standards of Fairfax County. For all of the aforementioned reasons, the Applicant respectfully requests Staff and the Planning Commission to endorse, and the Board of Supervisors to approve this Special Exception Amendment request.

Respectfully Submitted,

McGuireWoods, LLP



Lisa M. Chiblow, AICP
Land Use Planner
Agent for Applicant

Attachment A

Special Exception Criteria

The following information is provided pursuant to the provisions of Section 9-011 of the Fairfax County Zoning Ordinance.

1. Type of operation: Drive-in financial institution.
2. Hours of Operation: Lobby Hours: 8:00 am to 7:00 pm, Monday to Friday, 8:00 am to 3:00 pm Saturday, pneumatic tubes assembly to duplicate those hours, Automated Teller Machine (ATM) 24 hours per day, 7 days per week.
3. Proposed number of employees: 8 employees.
4. Estimated number of patrons: Estimated to be approximately 135 patrons each day.
5. Qualifications of Operator/Applicant: Capital One, National Association is an FDIC insured bank headquartered in McLean, Virginia. The bank was established in 1933 and has 985 branches.
6. Traffic Impact: The proposed amendment results in no change to the trips associated with this use. The traffic projections are 40 a.m. peak hour trips, 146 p.m. peak hour trips and 788 ADT's.
7. Area served: McLean as well as Fairfax County.
8. Architectural compatibility: The proposed signage is compatible with the architecture of the existing bank.
9. Hazardous or toxic substances: There will be no hazardous or toxic substances generated, utilized, stored or otherwise located on the property as a result of the proposed use.
10. Statement of conformance: The proposed use will conform to the applicable standards and other regulations related to a drive through bank.

Attachment B

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

Paragraph 1 states that a waiver may be requested for an increase in sign area, but may not allow the erection of a freestanding sign not otherwise permitted. The prior approval was for an increase to allow 124 sq. ft. of copy area. This request retains the same amount of copy area. No free standing signs are proposed.

Paragraph 2 requires the applicant to demonstrate that there are unusual circumstances or conditions, which may include unusual size or orientation of the structure on the lot, which impacts the ability to provide for reasonable identification of the use. Paragraph 8 of Section 12-203 allows for one and one-half (1 ½) square feet of sign area for each of the first 100 linear feet of building frontage. As with the prior approval, in large part, the request is driven by the placement of the existing structure. In keeping with the Urban Design regulations of the Plan, the building is strategically placed very close to the public rights of way. While this helps to screen parking, it makes many typical corporate identifiers visible from the roads and therefore signs pursuant to the Zoning Ordinance.

Paragraph 3 requires that a waiver be in harmony with the policies of the Comprehensive Plan. The Board of Supervisors has previously concluded that the requested 124 sq feet of sign area is consistent with this standard. Also consistent with the Plan, the design of the proposed signs are well integrated with the architecture of the building. Lastly, and consistent with the Plan regulations, the current signage is equipped with timers that turn the lighting off of the northern end of the building from 9 pm to 7 am daily.

Paragraph 4 requires that the signage will not have any deleterious effect on the existing or planned development of adjacent properties and that is consistent with the purpose and intent of Article 12. The proposal is clearly consistent with the adjacent commercial uses. The residential use to the north is buffered with a wooden fence and existing landscaping. There is no deleterious effect on the adjacent uses.

EXHIBIT 1

Capital One Bank
Dolley Madison Branch

Sign Description	Square Footage Allowed per Special Exception	Square Footage Requested	Calculation Method	Height	Width	Square Ft.
Building Sign #1 - Front	35.00	34.98	See below			
Building Sign #2 - Rear	35.00	34.98	See below			
Building Sign #3 - Right	35.00	34.98	See below			
Door Vinyl - Front		0.56	H. x W. of Name	5.75	14.00	0.56
Walk-Up ATM Sign		9.50	H. x W. of blue area	18.00	76.00	9.50
Outside Lane Drive Up ATM Sign		8.44	H. x W. of blue area	16.00	76.00	8.44
Other	19.00					
	<u>124.00</u>	<u>123.44</u>				

* Square footage calculated by multiplying the linear frontage (40') by 1.5

Calculation of Square Footage of bldg signs (Utilizing the 8-line rule):

Total Height in Inches	42.70
Total Width in Inches	161.47
Total outside square ft.	47.88
Removed Section #1	(8.30)
Removed Section #2	<u>(4.60)</u>
Fairfax Cty Sq. Footage	<u><u>34.98</u></u>

\33819954.5



County of Fairfax, Virginia

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

July 22, 2008

Robert F. Flinn
8300 Boone Boulevard, Suite 225
Vienna, Virginia 22182

Re: Special Exception Application SE 2008-DR-003

Dear Mr. Flinn:

At a regular meeting of the Board of Supervisors held on July 21, 2008, the Board approved Special Exception Application SE 2008-DR-003 in the name of Chevy Chase Bank, F.S.B. The subject property is located at 1427, 1433, and 1441 Dolley Madison Boulevard on approximately 30,363 square feet of land zoned C-2, CRD, HC, and SC in the Dranesville District [Tax Map 30-2 ((5)) 6, 9, and 10]. The Board's action permits a drive-in financial institution in a Highway Corridor Overlay District, waiver of certain sign regulations and modifications, and waivers in a Commercial Revitalization District pursuant to Sections 7-607, 9-620, 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. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Chevy Chase Bank, Dolley Madison Blvd.", prepared by BC Consultants and dated November 2007, as revised though May 2, 2008, the McLean Open Space Standards as described in the Comprehensive Plan, 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.

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. Architectural elevations shall be in substantial conformance with those shown on the SE Plat. Materials shall be brick, synthetic stucco entablature and pediments, painted columns and trim as shown on the elevations in the SE Plat.
5. The three drive-in lanes shown on the SE Plat shall have a maximum of three ATM facilities.
6. The total amount of building-mounted signage shall be limited to a maximum of 124 square feet (SF) and shall be in substantial conformance with that shown on the elevations. No more than one sign, 35 SF in size, shall be permitted on each side of the proposed building and no sign shall be permitted on the southern side of the building. These signs shall consist of individual letters of internally illuminated red plastic. The building-mounted signage on the northern façade of the building and the ATM structure shall be unlit from 9:00 pm to 7:00 am daily.
7. A landscape plan shall be submitted concurrent with each site plan submission and shall provide for the number and size of trees and plantings consistent with that shown on the SE Plat and the additional requirements of these conditions. The landscape plan shall specify the appropriate soils, including structural soils, to be used in planting areas 8 feet wide or less. Trees planted along Dolley Madison Boulevard, in the area near the existing overhead power lines, shall be chosen and planted such that these utility lines will not interfere with the viability and aesthetics of the trees. If smaller trees are required in that area, tree cover requirements shall be met with the smaller trees or with trees elsewhere onsite. The landscape plan shall be subject to the review and approval of Urban Forest Management (UFM).
8. As part of the first site plan submission, a tree survey and Tree Preservation Plan shall be submitted that identifies the trunk location, species, size, crown spread and condition analysis rating for all individual and groups of off-site trees, living or dead with trunks 6 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet of the approved limits of clearing and grading shall also be submitted for review by UFM
9. The limits of clearing and grading shown on the SE Plat shall be strictly adhered to. The site plan shall clearly identify these areas as shown on the SE Plat.
10. Any work occurring in or adjacent to the areas to be left undisturbed, including off site areas, such as root pruning, instillation of tree protection fencing and silt control devices, removal of trash, or plant debris, or extraction of trees designated to be removed shall be performed in a manner that minimizes damage to any tree, shrub, herbaceous, or vine plant species that grows in the

lower canopy environment; and minimizes impacts to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation, all as approved by UFM. The use of power equipment in these areas shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger motorized equipment such as, but not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by UFM.

11. As part of the site plan, management practices shall be provided for the protection of understory plant materials, leaf litter and soil conditions found in areas to be left undisturbed, subject to the approval of the Urban Forest Management Division. The applicant shall actively monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. The understory plant materials, leaf litter and soil conditions shall be restored by the applicant to the satisfaction of UFM if these are found to be damaged, removed or altered in manner not allowed in writing by UFM.
12. All individual trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage as set forth below. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading, and shall be shown on the demolition and phase I and II erosion and sediment control sheets:
 - Four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart (see attached detail); or
 - Super silt fence as may be approved by UFM to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees.
13. All tree protection fencing shall be installed prior to Phase II clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation that is required to be preserved/conserved. At least three days prior to the commencement of any clearing, grading, or demolition activities and prior to the installation of tree protection fencing, UFM shall be notified in writing and given the opportunity to inspect the site to assure that all individual trees to be preserved and all areas

to be left undisturbed have been correctly delineated. UFM shall provide written notice to the applicant as to whether or not the areas have been delineated correctly. If it is determined by UFM that the areas are not delineated correctly, no grading or construction activities shall occur on the subject property until the delineation is corrected and field verified by UFM.

14. Temporary signs shall be provided and erected by the applicant that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the tree protection fencing. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to be left undisturbed. These signs shall be removed by the applicant at the completion of construction.
15. The services of a certified arborist or landscape architect shall be retained by the applicant. The limits of clearing and grading shall be marked with a continuous line of flagging prior to the pre-construction meeting. Prior to commencement of any land disturbing activities, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a representative from UFM, DPWES to determine where adjustments to the clearing limits can be made to increase the size of the area to be left undisturbed, and to increase the survivability of trees to be preserved that occur along the edge of the limits of clearing and grading, and/or identify hazardous trees that need to be removed. Any adjustments agreed to by the applicant and UFM shall be agreed upon and memorialized in writing by both the applicant and UFM before any such adjustments are implemented, and such adjustments shall be implemented. Trees to be removed shall be tagged in the field. Trees that are identified in writing by an authorized representative of UFM as dead or dying may be removed as part of the clearing operation. Any tree that is so identified shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.
16. The site shall be monitored by a representative of the applicant who is a certified arborist or landscape architect to ensure that the activities are conducted in accordance with the development conditions and as approved by the UFM. Monitoring shall occur at all times during the installation of tree protection fencing and during any clearing or removal of trees, vegetation, or structures, or transplanting of trees or vegetation, or other similar activities, on the site in the areas within 25 feet of the limits of clearing and grading along the 5-foot high retaining wall on the southern property boundary. The monitoring

schedule shall be described and detailed in the Tree Preservation Plan and shall be reviewed and approved in writing by UFM.

17. Prior to site plan approval, a license agreement shall be entered into by the applicant with the County to permit landscaping to be provided and maintained by the applicant in the right of way along Dolley Madison Boulevard and Elm Street, including in the area to be dedicated on those roadways, as shown on the SE Plat.
18. If the trees, labeled as "VDOT approved ornamental trees", are not approved by VDOT in the license agreement, these trees shall not be planted. These trees shall not be required to be replaced elsewhere onsite.
19. All lighting, including streetlights, security lighting, signage lighting (during the allowed hours as listed within these conditions) and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
20. At the time of site plan approval, or on demand (whichever occurs first) right-of-way for future improvements along Dolley Madison Blvd. and Elm Street, as shown on the SE Plat shall be dedicated to the Board of Supervisors in fee simple at no cost as shown on the SE Plat.
21. Prior to site plan approval, a 25-foot wide interparcel access easement shall be recorded, as depicted on the SE Plat, to access the parcel to the south, Tax Map Parcel 30-2 ((5)) 7. Any wall or other structural impediment shall be removed at the time of the construction of this access.
22. A stormwater management/best management practices (SWM/BMP) facility, which may include a Filterra, shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES. Any required PFM modification shall be requested at the time of site plan to permit the use an innovative BMP. Irrespective of any language in the Stormwater Management Narrative or Extent of Review and Outfall Narrative, a stormwater detention facility shall be constructed by the applicant as proposed in the Special Exception Plat, regardless of the final adequate outfall determination. If a modification of the PFM to permit the proposed stormwater management and/or best management practices as shown on the SE Plat is not granted by DPWES and SWM/BMP facilities in substantial conformance with the SE Plat cannot be provided, then a Special Exception Amendment (SEA) shall be filed to provide water quantity and/or quality control measures in accordance with the Public Facilities Manual (PFM) as determined by DPWES.

23. The lobby hours of operation shall not exceed 9:00 am to 7:00 pm Monday to Friday and 9:00 am to 3:00 pm on Saturdays. The ATMs shall operate 24 hours a day, seven days a week.
24. Registration with the United States Green Building Council (USGBC) shall be completed by the applicant and LEED certification shall be applied for by the applicant.
25. A LEED[®]-accredited professional shall be included as a member of the design team. This professional will also be a professional engineer or architect licensed to practice in the Commonwealth of Virginia. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovative technologies into the project so that the project will attain LEED certification. At the time of site plan submission, the applicant will provide documentation to the Environment and Development Review Branch of the Department of Planning and Zoning (DPZ) demonstrating compliance with the commitment to engage such a professional.
26. Prior to approval of the site plan for this building, a separate agreement shall be provided for this building, a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the PFM, in the amount of \$62,000. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED[®]-NC) rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment. The provision to the Environment and Development Review Branch of DPZ, within one year of issuance of the RUP/non-RUP for the building, 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 provides to the Environment and Development Review Branch of DPZ, within one year of issuance of the RUP/non-RUP for the building, documentation demonstrating that LEED certification for the building has not been attained but that the building has been determined by the U.S. Green Building Council to fall within three points of attainment of LEED certification, 50% of the escrow will be released to the applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

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

27. Irrespective of the calculation shown on Sheet 2 of the SE Plat under the "Interior Parking Lot Landscaping" indicating the number "2,676 SF", 1,000 SF of interior parking lot landscaping will be provided by the applicant.
28. Prior to site plan approval for this building, in lieu of the construction of an on-road bike lane along the Dolley Madison Boulevard frontage, up to \$60,000, for the cost of construction of said on-road bike lane, shall be deposited by the applicant into the Dranesville District Walkways Fund for construction and/or maintenance of pedestrian amenities within the Dranesville District.

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:

- Modified the barrier requirement along Dolley Madison Boulevard, in favor of that shown in the Special Exception Plat.
- Modified the transitional screening requirement along Dolley Madison Boulevard, in favor of that shown on the Special Exception Plat.

- Modified the front yard requirement in a Commercial Revitalization District, in favor of what is shown on the Special Exception Plat.
- Waived the service drive requirement along Dolley Madison Boulevard.
- Modified the required peripheral parking lot landscaping, in favor of that shown on the Special Exception Plat.
- Waived the loading space requirement.
- Waived construction of the required on-road bike lane, in favor of a contribution by the applicant to the Dranesville District Walkways Fund.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

Cc: Chairman Gerald E. Connolly
Supervisor John Foust, Dranesville 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
Audrey Clark, Director – Building Plan Review, DPWES
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
José Comayagua, Director, Facilities Management
Denise James, Office of Capital Facilities/Fairfax County Public Schools
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



County of Fairfax, Virginia

MEMORANDUM

DATE: February 3, 2012

TO: Barbara C. Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: *Barbara A. Byron*
Barbara A. Byron, Director
Office of Community Revitalization

SUBJECT: SEA 2008-DR-003
Capital One Bank – 6890 Elm Street
Tax Map 30-2-((5))-6A

The Office of Community Revitalization (OCR) has reviewed the above referenced Statement of Justification Special Exception Amendment (SEA) date stamped as “Received Department of Planning and Zoning December 16, 2011”; and, the Amended Statement of Justification with attachments received by the Department of Planning and Zoning (DPZ) via e-mail on January 27, 2012.

The applicant has submitted the SEA to permit modifications to development conditions, and waiver of certain sign regulations previously approved by the Fairfax County Board of Supervisors on July 21, 2008 to allow a Chevy Chase drive through bank (SE 2008-DR-003). The site is now occupied by Capital One Bank.

The OCR makes the following recommendations:

1. Channel Lettering. Amend Development Condition #6 to allow white lettering which currently exists on the building.
2. Pneumatic Tube. Amend Development Condition #5 to clarify that the drive-through lane closest to the building to be allowed to operate pneumatic tube assembly in addition to the ATM drive through lane as currently operates on the site.

cc: Nick Rogers, Planner II, DPZ/ZED
OCR File

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		