County of Fairfax, Virginia

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

June 6, 2012

Lisa M. Chiblow
McGuire Woods, LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

RE: Special Exception Amendment Application SEA 2008-LE-013

Dear Ms. Chiblow:

At a regular meeting of the Board of Supervisors held on June 5, 2012, the Board approved Special Exception Amendment Application SEA 2008-LE-013 in the name of Capital One, National Association. The subject property is located at 5511 Franconia Road on approximately 29,220 square feet of land zoned C-2 and HC in the Lee District [Tax Map 81-4 ((4)) 6A]. The Board's action amends Special Exception Application SE 2008-LE-013 previously approved for uses for a drive-in financial institution in the highway corridor overlay district and waiver of certain sign regulations and associated modifications to site design pursuant to Sections 4-204 and 9-620 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals are marked with an asterisk (*):

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.*

2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.*

3. This Special Exception is subject to the provisions of Article 17, Site Plans, 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, 5511 Franconia Road" consisting of eight sheets, prepared by Bohler Engineering and dated January 15, 2008, as revised through September 26, 2008. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.*

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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 two drive-in lanes shown on the SE Plat shall have a maximum of one ATM facility per lane. The outer drive-in lane may have a maximum of one pneumatic tube assembly for teller services.

6. The total amount of building-mounted signage shall be limited to a maximum of 123 square feet (SF). 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 and shall be internally illuminated. The free-standing sign shall be in conformance with Article 12 of the Zoning Ordinance.

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. Trees planted along Franconia Road and Gum Street, 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. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.*

9. At the time of site plan approval, or on demand (whichever occurs first) right-of-way for future improvements along Franconia Road and Gum 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.*

10. Prior to site plan approval, an interparcel access easement shall be recorded, as depicted on the SE Plat, to access the parcel to the west [Tax Map Parcel 81-4 ((4)) A].*

11. A stormwater management and/or best management practices (SWM/BMP) facility, which may include the construction of an underground detention system (UDS) and 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 reduction in size of the underground detention facility. 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.*

12. The hours of operation shall not exceed 9:00 am to 8:00 pm Monday through Saturday; however, ATMs may operate 24 hours a day, seven days a week.*

13. In addition to the crosswalk shown on the SE Plat, a painted crosswalk shall be provided linking the parking spaces along the southern property line to the entrance of the financial institution. In addition, a second painted crosswalk shall be provided along the northern property line linking the sidewalk to the entrance of the financial institution.*

14. Prior to site plan approval, funds shall be escrowed for the future construction, by others, of the on-road bike lane along the site's Franconia Road frontage.*

15. Registration with the United States Green Building Council (USGBC) shall be completed by the applicant and LEED (Leadership in Energy and Environmental Design) certification shall be applied for by the applicant.*

16. 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, documentation shall be provided by the applicant 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.*

17. 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 $61,000. This escrow shall 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 shall be sufficient to satisfy this commitment. The provision to the Environment and Development Review Branch of DPZ, within one year of issuance of the Non-Residential Use Permit (Non-RUP) for the building, of documentation from the U.S. Green Building Council that the building has attained LEED certification shall be sufficient to satisfy this commitment.*

18. Prior to site plan approval or upon the demand of either Fairfax County or VDOT, whichever should first occur, right-of-way up to a width of 45 feet from the centerline along the Franconia Road frontage and right-of-way up to a width of 27.5 feet from the centerline along the Gum Street frontage shall be dedicated and conveyed in fee simple to the Board of Supervisors as shown on the SE Plat.*

19. If documentation is provided by the applicant to the Environment and Development Review Branch of DPZ, within one year of issuance of the Non-RUP for the building, which demonstrates 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 shall be released to the applicant; the other 50% shall be released to Fairfax County and shall be posted to a fund within the county budget supporting implementation of county environmental initiatives.

    Within one year of issuance of the Non-RUP for the building, if documentation fails to be provided by the applicant 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 shall be released to Fairfax County and shall be posted to a fund within the county budget supporting implementation of county environmental initiatives.*

20. Prior to the issuance of the Non-RUP, Bicycle racks which accommodate parking for at least ten bicycles shall be installed in a location and type as approved by Fairfax County Department of Transportation (FCDOT).*

21. The proposed seven-foot high wall shown on the SE Plat shall be in substantial conformance with the attached exhibit.*

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.

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.

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:

- Reaffirmed the previously approved waivers and modifications.

Sincerely,

Catherine A. Chianese

Catherine A. Chianese
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova
Supervisor Jeffrey McKay, Lee District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation