



County of Fairfax, Virginia

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

November 29, 2006

Benjamin F. Tompkins, Esquire
Reed Smith, LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, Virginia 22042

Re: Special Exception Application Number SE 2006-MA-014

Dear Mr. Tompkins:

At a regular meeting of the Board of Supervisors held on November 20, 2006, the Board approved Special Exception Application Number SE 2006-MA-014 in the name of BB&T of Virginia, Incorporated located at 5871 Leesburg Pike (Tax Map 61-2 ((17)) (C) 1). The application property is located in the Mason District on approximately 1.08 acres of land zoned C-2, CRD, HC, and SC. The Board's action allows for a drive-in bank in a Highway Corridor Overlay District pursuant to Section 7-607 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land 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 (SE Plat) approved with this 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 SE Plat entitled "Bailey's Crossroads BB&T" prepared by Walter L. Phillips, Inc., consisting of 10 sheets, dated March 27, 2006, with revisions through October 20, 2006. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Irrespective of the notes on those sheets, architecture shall be in substantial conformance with that shown on Sheets 7-10 (labeled A1-A4) of the SE Plat, except as conditioned below, and shall utilize brick as the primary building material with accents of EIFS and concrete as depicted on the building elevations in the SE Plat.

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

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5. No more than one freestanding identification sign shall be permitted, which shall be a monument-style sign. Such sign shall meet the requirements of Article 12, as well as the sight line requirements of the Zoning Ordinance, VDOT and the PFM.
6. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on site.
7. All lighting, including security, pedestrian and/or other incidental lighting, shall meet the standards of Article 14 of the Zoning Ordinance.
8. At the time of site plan approval, or on demand (whichever occurs first) right-of-way as shown on the SE Plat shall be dedicated to the Board of Supervisors in fee simple at no cost. Density credit for such dedication shall be retained by the site.
9. With development of the site, sidewalks and landscaping in the ultimate location (as shown on the SE Plat) shall be constructed. That area between the future curb line and the current curb line shall be scarified and planted with grass or other vegetation.
10. The sidewalks shown on the SE Plat shall be constructed of pavers or red brick stamped concrete, in conformance with the Baileys Crossroads Streetscape requirements, if approved by the Virginia Department of Transportation (VDOT). If VDOT will not accept such sidewalks for maintenance, the applicant shall enter into a license agreement to maintain the sidewalks.
11. Prior to site plan approval, the applicant shall enter into a license agreement with the County to permit landscaping to be provided and maintained in the area to be dedicated along the Route 7 and Payne Street frontages of the site, as shown on the SE Plat.
12. At the time of site plan approval, a public access easement shall be granted between the interparcel access to the property to the west [to Tax Map 61-2 ((17)) (C) 6], and the access points to Leesburg Pike and Payne Street.
13. The existing interparcel to the west [to Tax Map 61-2 ((17)) (C) 6] may be relocated slightly to the south at such time as improvements to Route 7 would impact this interparcel access. If such relocation would conflict with the parking spaces located on the west side of the building, such spaces may be removed, so long as parking is not reduced beyond that required by the Zoning Ordinance.
14. Pedestrian street lighting shall be provided along both street frontages in conformance with the Baileys Crossroads Streetscape requirements.

The Board also:

- Waived the service drive requirement along Leesburg Pike.
- Waived the frontage improvements on all street frontages.
- Waived the loading space requirement.
- Modified the commercial revitalization streetscape requirements in favor of that shown on the SE Plat.
- Modified the transitional screening requirements and waived the barrier requirements along the southern property boundary in favor of that shown on the SE Plat.
- Modified the peripheral parking lot landscaping requirements in favor of that shown on the SE Plat.

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. 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.

If you have questions regarding the expiration of this Special Exception or filing a request for additional time, they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehr
Clerk to the Board of Supervisors

NV/cwb

Cc: Chairman Gerald E. Connolly
Supervisor Penelope Gross, Mason District