



County of Fairfax, Virginia

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

September 12, 2012

Lori K. Murphy
Bean, Kinney & Korman, P.C.
2300 Wilson Boulevard, 7th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2012-DR-003

Dear Ms. Murphy:

At a regular meeting of the Board of Supervisors held on September 11, 2012, the Board approved Special Exception Application SE 2012-DR-003 in the name of TD Bank, N.A. The subject property is located at 6256 and 6260 Old Dominion Drive on approximately 25,595 square feet of land, zoned C-5 in the Dranesville District [Tax Map 31-3 ((1)) 112A and 116A pt.]. The Board's action permits a drive-in financial institution and waiver of minimum lot size requirement, pursuant to Sections 4-504 and 9-610 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.
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 (SE Plat) prepared by Bohler Engineering, dated June 18, 2012, 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.

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4. Architecture of the drive-in financial institution shall be in substantial conformance with that shown on the SE Plat, as determined by the Zoning Administrator.
5. The applicant shall maintain the existing and proposed sidewalks across the site's frontage along Old Dominion Drive. Prior to the issuance of the Non-RUP for the drive-in financial institution, a license agreement, such as a covenant of perpetual maintenance, shall be entered into by the applicant with the Virginia Department of Transportation (VDOT) to permit the landscaping and sidewalk shown on the SE Plat to be provided and maintained by the applicant in the right-of-way along Old Dominion Drive.
6. Prior to final site plan approval, the applicant shall submit throat length exceptions to VDOT for the access points along Old Dominion Drive. If approved by VDOT, the applicant shall implement any conditions associated with such exception. If the throat length exceptions are not approved, the applicant shall satisfy the applicable throat length requirements as determined by VDOT.
7. The applicant shall provide striping to clearly delineate the vehicular route from the point at which a vehicle exits the drive-in canopy to the stop bar at the drive-in exit, as shown on the SE Plat.
8. The applicant shall provide an additional storm filter or facility equivalent in phosphorus removal efficiency as determined by DPWES to treat the stormwater runoff in the area generally bounded by the grass median adjacent to the remote drive-through; the VDOT right-of-way along Old Dominion Drive; and, the two site entrances serving the SE area (treating a total area of at least 0.12 acres). The additional storm filter shall be installed prior to the issuance of a Non-RUP.
9. The loading space shall only be used for temporary loading purposes. The applicant shall provide signage that clearly identifies the space as such.
10. The applicant shall retain the services of a certified arborist or landscape architect. The limits of clearing and grading shall be marked with a continuous line of flagging prior to construction. 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 UFMD 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 near the edge of the limits of clearing and grading. Any adjustments agreed to by the applicant and UFMD shall be agreed upon and memorialized in writing by both the applicant and UFMD before any such adjustments are implemented, and such adjustments shall be implemented.

11. The applicant shall attempt to preserve the five trees along the rear property line of parcel 112A currently shown on the SE Plat as "subject to removal w/permission of adjacent property owner" by taking the following measures. All individual trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading. 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 to be preserved. Prior to final bond release, a representative from UFMD shall inspect the condition of these five trees to determine if they are hazardous or dying and should be removed. If UFMD recommends that these trees be removed and the trees are determined to be on the application property, the applicant shall remove these trees. If UFMD recommends that these trees be removed and the trees are determined to be on the adjacent property, the applicant shall attempt to enter into an agreement with the adjacent property owner to remove and replace these trees. The selection of the species and the placement of these replacement trees shall be subject to the review and approval by UFMD.
12. The applicant shall provide supplemental plantings along the rear property line of parcel 112A, as depicted on the SE Plat.
13. Prior to final site plan approval, the applicant shall provide supplemental plantings such as small shrubs or groundcover throughout the tree preservation area shown at the eastern boundary of parcel 112A. The selection of these plantings shall be subject to approval by UFMD.
14. Irrespective of any signs shown on the SE plat, all signage shall comply with the provisions of Article 12 of the Zoning Ordinance.
15. The applicant shall remove the existing chain link fence along the rear property line of parcel 112A.
16. The dumpster on the application site shall be enclosed with a brick wall. All doors to the dumpster shall remain closed when not in use.
17. A. The Applicant shall include, as part of the site plan submission and building plan submission for the building, a list of specific credits within the most current version of the U. S. Green Building Council's Leadership in Energy and Environmental Design for Commercial Interiors - (LEED® -CI) rating system, or other LEED rating system determined to be applicable to the financial institution by the U. S. Green Building Council (USGBC), that the Applicant anticipates attaining. At least one principal participant of the Applicant's project team shall be a LEED Accredited Professional, and such professional shall provide certification statements at both the time of site plan review and the time of building plan

review confirming that the items on the list are expected to meet at least the minimum number of credits necessary to attain LEED certification for the financial institution.

B. Prior to building plan approval for the building, the Applicant shall submit, to the Environment and Development Review Branch of DPZ, documentation from the U. S. Green Building Council demonstrating that LEED precertification has been attained for that building. Prior to release of the bond for that building, the Applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating the status of attainment of LEED Certification from the U. S. Green Building Council for the financial institution.

C. If the Applicant fails to attain LEED precertification or certification prior to submission of the application for a Non-RUP, the Applicant shall, prior to issuance of a Non-RUP, execute a separate agreement and post a "green building escrow," in the form of a cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$15,000. This escrow shall be in addition to and separate from other bond requirements and shall be released upon demonstration of attainment of certification, by the U.S. Green Building council, under the most current version of the LEED-CI rating system or other LEED rating system determined, by the U.S. Green Building council, to be applicable to the financial institution. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the financial institution has attained LEED certification shall be sufficient to satisfy this commitment. If the applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within two years (or such longer time if the Applicant provided documentation to the satisfaction of the Environment and Development Review Branch of DPZ that USGBC review of the LEED certification has been delayed through no fault of the Applicant) of issuance of the first Non-RUP for the drive-in financial institution, the escrow shall be released to Fairfax County and shall be posted to a fund within the county budget supporting implementation of environmental initiatives 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.

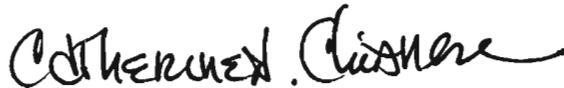
Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as evidenced by the issuance of a Non-RUP for the drive-in financial institution use. The Board of Supervisors 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.

The Board also:

- Waived the minimum lot size requirements to permit a lot area of 29,595 square feet instead of the required 40,000 square feet.
- Modified the transitional screening and waived the barrier requirements along the site's southern boundary along Old Dominion Drive in favor of that shown on the SE Plat.
- Modified the transitional screening and barrier requirements along the site's northern and northeastern boundaries in favor of that shown on the SE plat.
- Modified the trail requirement along Old Dominion Drive in favor of the sidewalks shown on the SE plat.
- Waived the loading space requirement for the drive-in financial institution use.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova
Supervisor John Foust, Dranesville District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
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
Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation