



County of Fairfax, Virginia

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

June 19, 2013

Frederick R. Taylor
Bean, Kinney and Korman, P.C.
2300 Wilson Boulevard, 7th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2012-PR-012

Dear Mr. Taylor:

At a regular meeting of the Board of Supervisors held on June 18, 2013, the Board approved Special Exception Application SE 2012-PR-012 in the name of TD Bank, National Association. The subject property is located at 7230 Arlington Boulevard, on approximately 27,491 square feet of land, zoned C-5 in the Providence District [Tax Map 50-3 ((5)) (5) 501]. The Board's action permits a drive-in financial institution, pursuant to Sections 4-504 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

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 "Special Exception Plat for TD" prepared by Bohler Engineering, which is dated March 22, 2012 and revised through May 22, 2013 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. A copy of this Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

OPERATIONAL:

5. Hours of operation of the bank shall not exceed 8:00 a.m. to 8:00 p.m. Monday through Friday, 8:00 a.m. to 3:00 p.m. on Saturdays, and 12:00 p.m. to 4:00 p.m. on Sundays.
6. There shall be a maximum of seven employees on-site at any one time.

ENVIRONMENTAL:

7. Prior to site plan approval, the applicant must perform a Phase I EPA assessment on the site and, if contamination is identified, must develop and begin implementation of a remediation plan to address any revealed contamination, to the satisfaction of the Virginia Department of Environmental Quality (DEQ).

ARCHITECTURAL:

8. Architectural elevations and building materials shall be in substantial conformance with those shown on the SE Plat.
9. All retaining walls shall incorporate split-face Concrete Masonry Unit (CMU) materials similar to the building façade.

LANDSCAPING:

10. Landscaping and sidewalk treatments shall be provided as generally shown on the Special Exception Plat, subject to review and approval of the Urban Forestry Management Division of the Department of Public Works and Environmental Services (DPWES).

TRANSPORTATION:

11. Prior to issuance of a Non-RUP, a 23-foot wide interparcel access easement shall be recorded, as depicted on the SE plat, to provide future access to the parcel to the east.

12. Prior to issuance of a Non-RUP, the applicant shall grant an easement to provide public access to the sidewalk along Graham Road. Such easement shall be subject to a private maintenance agreement in a form acceptable to the County Attorney.
13. Two drive-thru lanes shall be open to provide adequate vehicle stacking at all times.
14. The location and orientation of the retaining walls and sidewalk at the northwest corner of the site, from the Graham Road access north, shall be subject to FCDOT and VDOT review and approval at site plan.
15. Final layout of bicycle rack location and orientation shall be subject to FCDOT approval at site plan.

STORMWATER:

16. Stormwater management/BMP facilities shall be determined by DPWES to meet all PFM requirements prior to final site plan approval, regardless of any waiver requests.

SIGNAGE/LIGHTING:

17. All signage shall comply with the provisions of Article 12 of the Zoning Ordinance.
18. No freestanding commercial signs, other than the 20' pylon sign depicted on the SE plat, shall be permitted. Bank logos or other advertising shall not be placed on any directional signage.
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.

GREEN BUILDING:

20. 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 — New Construction (LEED®-NC) 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 Licensed Architect, Licensed Landscape Architect, or Professional Engineer, and 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 approval of the site plan, the applicant will post 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 Public Facilities Manual, in the amount of \$70,000. 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 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, within two years 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.

C. If the applicant provides to the Environment and Development Review Branch of DPZ, within two years 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.

D. If the applicant fails to provide, within two years 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.

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.

The Board also:

- Waived the loading space requirements.
- Approved deviation from the tree preservation target in favor of the landscaping shown on SE Plat.
- Modified the major trail requirements to accept five-foot concrete sidewalks along both street frontages.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Linda Smyth, Providence, District
Tim Shirocky, Acting 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



COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

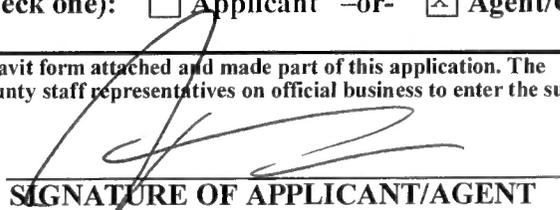
APPLICATION No: SE 2012-PR-012
(Staff will assign)
RECEIVED
Department of Planning & Zoning

MAY 31 2012

Zoning Evaluation Division

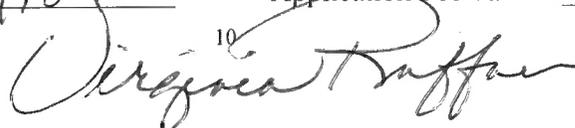
APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME TD Bank, National Association
	MAILING ADDRESS 12000 Horizon Way, Mount Laurel, NJ 02054
	PHONE HOME () WORK (703) 754-8016
	PHONE MOBILE ()
PROPERTY INFORMATION	PROPERTY ADDRESS 7230 Arlington Boulevard, Falls Church, VA 22042
	TAX MAP NO. 0503 05050501 SIZE (ACRES/SQ FT) 27,491 sq. ft.
	ZONING DISTRICT C-5 MAGISTERIAL DISTRICT Providence
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION 4-504(4)(E)
	PROPOSED USE Drive-in financial institution in a C-5 Dist. with waiver of loading space
AGENT/CONTACT INFORMATION	NAME Frederick R. Taylor, Esq.
	MAILING ADDRESS 2300 Wilson Blvd., 7th Floor, Arlington, VA 22201
	PHONE NUMBER HOME WORK (703) 525-4000
	PHONE NUMBER MOBILE
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Frederick R. Taylor, Esq. TYPE/PRINT NAME OF APPLICANT/AGENT</p> <p> SIGNATURE OF APPLICANT/AGENT</p> <p>SE 2012-0092 6/14/12 KGS</p>	

DO NOT WRITE IN THIS SPACE

Date application accepted: 6/14/12 Application Fee Paid: \$ 16,375.00



SE 2012-PR-012

Zoning Application Closeout Summary Report

Printed: 7/26/2013

General Information

APPLICANT: TD BANK, NATIONAL ASSOCIATION
DECISION DATE: 06/18/2013
CRD: NO
HEARING BODY: BOS
ACTION: APPROVE
STAFF COORDINATOR: MICHAEL LYSKEY
SUPERVISOR DISTRICT: PROVIDENCE

DECISION SUMMARY:

ON JUNE 18, 2013, THE BOARD UNANIMOUSLY APPROVED SE 2012-PR-012 ON A MOTION BY SUPERVISOR SMYTH SUBJECT TO DEVELOPMENT CONDITIONS DATED JUNE 18, 2013.

SUPERVISORSMYTH MADE THE FOLLOWING MOTIONS, WHICH WERE APPROVED BY THE BOARD:

I MOVE THAT THE BOARD APPROVE SE 2012-PR-012, SUBJECT TO DEVELOPMENT CONDITIONS DATED JUNE 18, 2013.

I MDVE THAT THE BOARD WAIVE LDADING SPACE REQUIREMENTS.

I MOVE THAT THE BOARD APPRDVE A DEVIATION FROM THE TREE PRESERVATION TARGET IN FAVOR OF THE LANDSCAPING SHOWN ON THE SE PLAT.

I MOVE THAT THE BOARDMODIFY MAJOR TRAIL REQUIREMENTS TD ACCEPT 5-FOOT CONCRETE SIDEWALKS ALONG BOTH STREET FRONTAGES.

APPLICATION DESCRIPTION:

DRIVE-IN FINANCIAL INSTITUTION

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				C- 5	27,491.00 SQ FEET

Tax Map Numbers

0503 ((D5))(05)D501

Approved Land Uses

Zoning District: C- 5

LAND USE	DU'S	RES LAND AREA	ADU'S	WDU'S	GFA	FAR	NRES LAND AREA
DRIV/BANK					2,552	D.09	0.63 ACRES

TOTALS

7/26/2013

Approved Waivers/Modifications

DEVIATION FROM TREE PRESERVATION TARGET PERCENTAGE
WAIVE LOADING SPACE REQUIREMENT
MODIFY TRAIL REQUIREMENT

Approved Development Conditions

DEVELOPMENT CONDITION STATEMENT DATE: 06-18-2013

<u>DEVELOPMENT CONDITION</u>	<u>DUE</u>	<u>TRIG #</u>	<u>TRIG EVENT</u>	<u>CONTRIB</u>	<u>EXPIR DTE</u>
SUBJECT TO SITE PLANS / SUBDIVISION PLATS	01-01-0001	0	N/A	0	01-01-0001
ARCHITECTURE BUILDING MATERIALS / COLORS	01-01-0001	0	NON-RUP	0	01-01-0001
HOURS OF OPERATION	01-01-0001	0	N/A	0	01-01-0001
NUMBER OF EMPLOYEES	01-01-0001	0	N/A	0	01-01-0001
RETAINING WALLS	01-01-0001	0	SITE PLAN	0	01-01-0001
SIDEWALK / TRAIL	01-01-0001	0	SITE PLAN	0	01-01-0001
LIGHTING/GLARE	01-01-0001	0	N/A	0	01-01-0001
ARCHITECTURE / GREEN BUILDING / LEEDS	01-01-0001	1	SITE PLAN	0	01-01-0001
ACCESS EASEMENTS - TRANSPORTATION	01-01-0001	0	NON-RUP	0	01-01-0001
DRIVE THRU WINDOWS	01-01-0001	0	N/A	0	01-01-0001
BICYCLE RELATED FACILITIES	01-01-0001	0	SITE PLAN	0	01-01-0001
COPY SHALL BE POSTED	01-01-0001	0	N/A	0	01-01-0001
SWM / BEST MANAGEMENT PRACTICES (BMP)	01-01-0001	0	SITE PLAN	0	01-01-0001
LANDSCAPING - ENVIRONMENT	01-01-0001	0	SITE PLAN	0	01-01-0001
ENVIRONMENTAL ASSESSMENT / REMEDIATION	01-01-0001	0	SITE PLAN	0	01-01-0001
SIGNAGE	01-01-0001	0	N/A	0	01-01-0001

7/26/2013