County of Fairfax, Virginia

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

February 26, 2014

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

Re: Special Exception Application SE 2013-DR-001

Dear Ms. Murphy:

At a regular meeting of the Board of Supervisors held on February 25, 2014, the Board approved Special Exception Application SE 2013-DR-001 in the name of TD Bank, National Association. The subject property is located at 9901 Georgetown Pike, on approximately 27,426 square feet of land, zoned C-6 and C-8 in the Dranesville District [Tax Map 13-1 ((1)) 5A]. The Board's action permits a drive-in financial institution, pursuant to Sections 4-604 and 4-804 of the Fairfax County Zoning Ordinance, and requires 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 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 Bank", consisting of six sheets and prepared by Bohler Engineering, which is dated October 11, 2012 and revised through December 19, 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 financial institution 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 nine employees on-site at any one time.

ARCHITECTURAL:

7. Architectural elevations and building materials shall be in substantial conformance with those shown on the SE Plat and described in the Statement of Justification (Appendix 3 of Staff Report).

8. Materials for the retaining wall, adjacent to the drive-thru lanes, shall consist of stone, cast stone, or red brick, similar in quality and appearance to materials used on the building facade.

9. The retaining wall shall be a maximum height of 5 feet, as specified on the SE Plat, but additional extension of the wall above final grade, or an ornamental guardrail/screening fence, shall be allowed to a maximum height of 3.5 feet above final grade, or as required to satisfy pedestrian or vehicular safety regulations.

GREEN BUILDING:

10. Prior to the building plan approval, the applicant will submit, to the Environment and Development Review Branch (EDRB) of DPZ, documentation from the U.S. Green Building Council (USGBC) demonstrating the applicant's enrollment in the Leadership in Energy and Environmental Design (LEED) Portfolio/Volume Program. Prior to the issuance of the building permit, the applicant will provide documentation that the proposed project is pre-registered with the LEED Portfolio/Volume Program. Prior to release of the bond for the project, the applicant shall provide documentation to the EDRB demonstrating the status of attainment of LEED certification or a higher level of certification from the USGBC for the building.

    As an alternative to the actions outlined in the above paragraph, or if the applicant is unable to provide documentation confirming both the applicant's enrollment in, and the specific project's pre-registration in the LEED Portfolio/Volume, the applicant

will execute a separate agreement and post, a "green building escrow," in the form of cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the amount of $67,650. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of LEED certification or higher level of certification, by the USGBC, under the most current version of the USGBC's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system rating system or other LEED rating system, determined by the U.S. Green Building Council. 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.

If the applicant provides to the EDRB, within 18 months of issuance of the final 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 USGBC 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 18 months of issuance of the final RUP/non-RUP for the building, documentation to the EDRB demonstrating attainment of LEED certification or demonstrating that the building has fallen short of LEED 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.

If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the EDRB, that USGBC completion of the review of the LEED certification application has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the time frame may be extended as determined appropriate by the Zoning Administrator, and no release of escrowed funds shall be made to the Applicant or to the County during the extension.

ENVIRONMENTAL:

11. The applicant shall certify to DPWES, prior to site plan approval, that any site plan for the proposed financial institution is coordinated with the design and installation of the environmental remediation system, as specified in the Corrective Action Plan (CAP) approved by the Virginia Department of Environmental Quality (VADEQ) and a CAP Addendum to be approved by VADEQ, which CAP Addendum includes, at a minimum, the design of the final remediation system to remediate the entire contamination plume to a VADEQ- approved endpoint. The applicant shall further certify that the infrastructure and construction of the financial institution shall not

constrict or limit installation or effective operation of the remediation system(s) specified and approved by VADEQ.

12. The remediation shed, shown on the SE plat, is the responsibility of others, and shall be allowed to remain onsite until the groundwater remediation effort is deemed complete by VADEQ. The size and dimensions of the shed may vary from the size and dimensions shown on the SE plat, as long as such shed generally conforms to the location and orientation shown on the SE plat, and the financial institution's building layout and circulation system remain in substantial conformance with the SE plat. A small fenced enclosure associated with the remediation shed may also be allowed, as is necessary to protect outdoor elements of the remediation equipment per the CAP, and subject to review and approval by the Zoning Evaluation Department. At such time as the shed and associated equipment are removed from the site, the site conditions and landscaping shall be restored to satisfactory condition, as determined by DPWES. (Also see condition #14C)

13. Prior to site plan approval, evaluation and approval of the existing septic system, or approval of a suitable replacement system shall be obtained from the Fairfax County Department of Health. Any major change to the septic system location would constitute a substantial change to the SE Plat and would require an SE Amendment.

LANDSCAPE:

14. Landscaping and sidewalk treatments shall be provided as generally shown on the Special Exception Plat, as modified only to meet the species diversity and other applicable requirements of the Public Facilities Manual (PFM), and as conditioned, subject to review and approval of the Urban Forestry Management Division (UFMD) of the Department of Public Works and Environmental Services (DPWES) at the time of site plan review:

    A. Supplemental landscaping may be installed by the applicant, in addition to the landscaping shown on the SE Plat, that is determined to not conflict with the required landscaping or other details approved on the SE Plat.

    B. At least 70% of site plantings shall be native species, as indicated on the SE Plat.

    C. Any proposed plantings that cannot be installed due to the installation/removal of the temporary remediation shed shall be installed after the remediation shed has been removed. The applicant shall notify DPWES within 90 days of shed removal for subsequent inspection of plantings.

    D. Proposed trees adjacent to the Walker Road right-of-way shall be reviewed to ensure that the species selected shall not impede sight distance from the site

access. If it is determined that sight distance would be impeded, trees shall be moved and/or replaced as determined by UFMD.

E. Landscape improvements within the VDOT right-of-way area of Georgetown Pike shall be provided and maintained by the applicant, subject to approval of a license agreement with VDOT. The final design for this area shall continue to be refined with approval of VDOT and review and comment by the Great Falls Garden Club, prior to site plan approval.

STORMWATER:

15. BMP facilities shall be determined to provide a minimum of 20% phosphorus reduction, as specified on the SE plat, prior to site plan approval.

16. Prior to site plan approval, a private maintenance agreement for the stormfilter system shall be approved by and filed with DPWES.

17. Stormwater outfall adequacy, per the PFM, shall be demonstrated at the time of site plan review. Stormwater detention may be required if outfall is determined to be inadequate, and shall be designed as shown on the SE Plat.

TREE PRESERVATION:

18. A tree preservation narrative shall be prepared by the project arborist, for review and approval by the Urban Forest Management Division (UFMD) at the time of site plan review, detailing the methods of demolition of all existing features and structures, identifying methods to reduce the impact of demolition activities to on-and off-site trees, including the removal of existing curb, gutter and asphalt.

19. The applicant shall submit a Tree Preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a Certified Arborist or Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

    The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater, within 25 feet of the limits of clearing and grading within the undisturbed area, and 10 feet of the limits of clearing and grading, in the disturbed area shown on the SE Plat for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE Plat and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree

preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

20. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made, if any, to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated 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 adjacent trees and associated understory vegetation and soil conditions.

21. The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE Plat, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

22. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence 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 shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

    All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days

prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

23. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the submitted plan. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

    - Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
    - Root pruning shall take place prior to any clearing and grading, or demolition of structures.
    - Root pruning shall be conducted with the supervision of a certified arborist.
    - An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete

24. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as per specific conditions and as approved by the UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work adjacent to any vegetation to be preserved and tree preservation efforts in order to ensure conformance with all tree preservation conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

TRANSPORTATION:

25. The proposed parking space closest to the intersection of Walker Road and Georgetown Pike shall be allowed to encroach into the corner lot restriction area (sight triangle), as shown on the SE Plat, since the encroachment would not currently impede actual sight distance due to the excess right-of-way in that area. At such time that VDOT or FCDOT determine that such an encroachment becomes an impediment to sight distance and/or vehicular safety, said parking space shall be removed and/or relocated by the applicant at their expense.

26. Two drive-thru lanes shall be open at all times that windows are operational, to provide adequate vehicle stacking.

SIGNAGE/LIGHTING:

27. Signage shall be in substantial conformance with that shown on the SE Plat and all signage shall comply with the provisions of Article 12 of the Zoning Ordinance.

28. No freestanding commercial signs, other than the 6-foot monument sign depicted on the SE plat, shall be permitted. Bank logos or other advertising shall not be placed on any directional signage.

29. 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.

30. All outdoor illuminated signage, to include building-mounted and freestanding signs, shall be dimmed to at least fifty (50) percent of full operational levels within one (1) hour after the close of business, unless otherwise required by the Zoning Ordinance.

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-six (36) 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.

Sincerely,

Catherine A. Chianese

Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor John Foust, Dranesville 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
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
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
Jill Cooper, Executive Director, 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 2013-DR-001
(Staff will assign)

RECEIVED
Department of Planning & Zoning
OCT 25 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** 9901 Georgetown Pike, Great Falls 22066
	TAX MAP NO. 0131 01 0005A **SIZE (ACRES/SQ FT)** 27,426 sq. ft.
	ZONING DISTRICT C-6; C-8 **MAGISTERIAL DISTRICT** Dranesville
	PROPOSED ZONING IF CONCURRENT WITH REZONING APLICATION:
SPECIAL EXCEPTION REQUEST INFORMATION	**ZONING ORDINANCE SECTION** 4-804(4)(F); 4-805(1),4-806(1)
	PROPOSED USE Drive-in financial institution in ~~C-8 district with a waiver of the minimum lot area~~
AGENT/CONTACT INFORMATION	**NAME** Lori K. Murphy, Esquire
	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):** ☐ **Applicant** –or- ☒ **Agent/Contact**

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.

Lori K. Murphy, Esq.
TYPE/PRINT NAME OF APPLICANT/AGENT

Lori Murphy
SIGNATURE OF APPLICANT/AGENT

MPC
4/16/13

DO NOT WRITE IN THIS SPACE SE 2012-0242

Date application accepted: January 16, 2013

Application Fee Paid: $ 16,375.00

Virginia Ruffner

SE 2013-DR-001
Zoning Application Closeout Summary Report

Printed: 5/5/2014

General Information

APPLICANT:	TD BANK, NATIONAL ASSOCIATION
DECISION DATE:	02/25/2014
CRD:	NO
HEARING BODY:	BOS
ACTION:	APPROVE
STAFF COORDINATOR:	MICHAEL LYNSKEY
SUPERVISOR DISTRICT:	DRANESVILLE

DECISION SUMMARY:

ON FEBRUARY 25, 2014, THE BOARD UNANIMOUSLY APPROVED SE 2013-DR-001 ON A MOTION BY SUPERVISOR FOUST SUBJECT TO DEVELOPMENT CONDITIONS DATED FEBRUARY 25, 2014.

APPLICATION DESCRIPTION:

DRIVE-IN FINANCIAL INSTITUTION

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				C- 6	22,343.00 SQ FEET
				C- 8	5,083.00 SQ FEET

Tax Map Numbers

0131 ((01))( )0005 A

Approved Land Uses

Zoning District: C- 6

LAND USE	DU'S	RES LAND AREA	ADU'S	WDU'S	GFA	FAR	NRES LAND AREA	
DRIV/BANK							5,083.04	SQ FEET
DRIV/BANK							22,342.97	SQ FEET
TOTALS							**27,426.01**	SQ FEET

Approved Waivers/Modifications

SEE FILE FOR ALL WAIVERS AND MODIFICATIONS

WAIVE LOADING SPACE REQUIREMENT

MODIFY OFF-STREET PARKING SETBACK REQUIREMENT

MODIFY TRAIL REQUIREMENT

Approved Development Conditions

DEVELOPMENT CONDITION STATEMENT DATE: 02-25-2014

DEVELOPMENT CONDITION	DUE	TRIG #	TRIG EVENT	CONTRIB	EXPIR DTE
ARCHITECTURE BUILDING MATERIALS / COLORS	01-01-0001	0	N/A	0	01-01-0001
SIGNAGE	01-01-0001	0	N/A	0	01-01-0001
PARKING	01-01-0001	0	N/A	0	01-01-0001
COORDINATE STORMWATER MANAGEMENT	01-01-0001	0	SITE PLAN	0	01-01-0001
COPY SHALL BE POSTED	01-01-0001	0	N/A	0	01-01-0001
RETAINING WALLS	01-01-0001	0	N/A	0	01-01-0001
ENVIRONMENTAL ASSESSMENT / REMEDIATION	01-01-0001	0	N/A	0	01-01-0001
SEPTIC / ALTERNATIVE METHODS OF WASTE DISPOSAL	01-01-0001	0	SITE PLAN	0	01-01-0001
LIMITS OF CLEARING AND GRADING	01-01-0001	0	N/A	0	01-01-0001
EROSION AND SEDIMENT CONTROL	01-01-0001	0	SITE PLAN	0	01-01-0001
HOURS OF OPERATION	01-01-0001	0	N/A	0	01-01-0001
URBAN FORESTRY REVIEW	01-01-0001	0	SITE PLAN	0	01-01-0001
SWM / BEST MANAGEMENT PRACTICES (BMP)	01-01-0001	0	SITE PLAN	0	D1-01-0001
SIGHT DISTANCE	01-01-0001	0	N/A	0	01-01-0001
EXPIRES IN NUMBER MONTHS / YEARS UNLESS IMPLEMENTED	01-01-0001	0	N/A	0	01-01-0001
TREE PRESERVATION / SURVEY	01-01-0001	0	N/A	0	01-01-0001
LIGHTING/GLARE	01-01-0001	0	N/A	0	01-01-0001
LANDSCAPING - ENVIRONMENT	01-01-0001	0	N/A	0	01-01-0001
DRIVE THRU WINDOWS	01-01-0001	0	N/A	0	01-01-0001
NUMBER OF EMPLOYEES	01-01-0001	0	N/A	0	01-01-0001
TREE SAVE FENCING	01-01-0001	0	N/A	0	01-01-0001
OTHER - ENVIRONMENT	01-01-0001	0	SITE PLAN	0	01-01-0001
OUTFALL (ADEQUATE ETC)	01-01-0001	0	N/A	0	01-01-0001
ARCHITECTURE / GREEN BUILDING / LEEDS	01-01-0001	0	N/A	0	01-01-0001