

PROPOSED DEVELOPMENT CONDITIONS

SE 2014-PR-022

November 5, 2014

If it is the intent of the Board of Supervisors to approve SE 2014-PR-022 to permit a 3,000 square foot drive-in financial institution with three drive-through lanes and a modification of the minimum lot width requirement from 100 feet to 85 feet located in the I-5 and Highway Corridor Overlay Districts on at Tax Map 49-3 ((1)) 97 pt., pursuant to Sects. 5-050 and 7-060 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and run with the land indicated in this application and are 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 these applications, as qualified by these development conditions.
3. This Special Exceptions 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 (which may include a minor site plan) submitted pursuant to these special exceptions shall be in substantial conformance with the approved Special Exception Plat entitled "Merrifield Town Center Bank," consisting of nine sheets prepared by Bohler Engineering and dated April 1, 2014, as revised through September 29, 2014, and these conditions. Minor modifications to the approved special exceptions may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of this Special Exception Amendment and the Non Residential Use Permit shall be posted in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. Prior to site plan submission, the applicant shall provide evidence to the Department of Public Works and Environmental Services (DPWES) showing that the proposal meets the grandfather provisions in Section 124-1-12 of the County Code of Virginia. The stormwater management facilities and Best Management Practices (BMPs) shown on the SE Plat shall be in conformance the County Stormwater Management Ordinance and shall be reviewed for adequacy by DPWES at the time of site plan review; if any inadequacies are identified, appropriate corrective measures shall be employed to the satisfaction of DPWES, prior to final site plan approval and provided those measures are in substantial conformance with the SE Plat.

6. The hours of operation shall be limited to 8:30 a.m. to 8:00 p.m. Monday through Friday; 8:30 a.m. to 3:00 p.m. Saturday; and 11:00 a.m. to 4:00 p.m. Sunday.
7. All signage on the site shall conform to Article 12 of the Zoning Ordinance. Any signage on the site should be located out of the right-of-way and shall be placed in a manner that does not obstruct the line of sight for drivers entering and/or exiting the site.
8. Additional directional signage shall be provided at the proposed one-way access point and drive aisle to discourage drivers from using the one way aisle to exit the parking lot.
9. A vehicle stop bar, pedestrian crossing sign, raised pedestrian crossing, and/or alternative sidewalk materials shall be provided in front of the internal crosswalk connecting the door to the sidewalk along Eskridge Road.
10. The exterior design, building materials and colors used in the financial institution shall be generally compatible with the finish details shown on Sheet 6 of the SE Plat.
11. Landscaping shall be provided in general as shown on Sheet 4 of the SE Plat. The exact number, size and spacing of trees and other plant materials shall be submitted at the time of final site plan review and shall be subject to the review and approval UFM.
12. Prior to the issuance of a Non-RUP for the Bank, the applicant shall expend a minimum of \$15,000 towards the inclusion of statuary or other public art in the urban green area shown on the northern portion of the SE Plat as reviewed and approved by the Department of Planning and Zoning, Zoning Evaluation Division in consultation with the Providence District Supervisor.
13. A public access easement, in a form approved by the Office of the County Attorney, shall be recorded on the access road, sidewalks and trails shown on the SE Plat.
14. Future vehicular and pedestrian connections to the access road shown on SE Plat from redevelopment of the adjacent property identified as Tax Map 49-3 ((1)) 98 shall be permitted. At such time, the Applicant shall reserve the area designated on the SE Plat as "Future Inter-parcel Access" in an easement. The future connection and expansion are to be provided by others; however, the Applicant shall be responsible for removing any landscaping on the Property necessary to accommodate the construction by others, and replacing the landscaping elsewhere on the Property.
15. At the time of the issuance of the Non-RUP for the Property, the Applicant shall provide a Fair Share monetary contribution of \$810 (\$0.27 per square foot) to

the Fairfax County Park Authority for recreational opportunities as determined in consultation with the Providence District Supervisor.

16. Green Building: 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 \$52,600. 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.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board. 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 for the building shown on the SE Plat. 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.