



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of January 22, 2011**

DATE: January 12, 2011

SUBJECT: U-3101-04-2 USE PERMIT REVIEW for a drive-through bank for Capital One Bank; located at 5222 Lee Highway (RPC#: 08-004-005)

Applicant:

Capital One Bank N.A.
5222 Lee Highway
Arlington, Virginia 22207

C.M. RECOMMENDATION:

Renew the use permit for a drive-through bank, subject to all previously approved conditions, and with no further scheduled County Board review.

ISSUES: This is a review of an existing use permit for a drive-through bank and there are no issues.

SUMMARY: This is a scheduled review of a use permit for the Chevy Chase Bank (now Capital One Bank) with a drive-through facility located at the intersection of Lee Highway and North George Mason Drive. All conditions of approval except two (2) were construction-related and were satisfied before the issuance of a master certificate of occupancy. The use operates in compliance with the use permit conditions. Therefore, staff recommends renewal of the use permit for a drive-through bank, subject to all previously approved conditions, and with no further scheduled County Board review.

BACKGROUND: The Chevy Chase Bank and drive-through (now Capital One Bank) was approved by the County Board in December 2004, and renewed by the County Board in January 2007 and January 2008. Because the use permit involved new construction and there were a number of public improvements associated with the drive-through bank, periodic reviews were scheduled. No issues were identified at the time of the reviews and renewals.

DISCUSSION: Since the last review, Chevy Chase Bank was purchased by Capital One and renamed Capital One Bank.

County Manager: *BMD/GA*
Staff: Peter Schulz, DCPHD, Planning Division
PLA-5811

10.

Since the last review (January 2008):

Use Permit Conditions: The drive-through use is in compliance with all use permit conditions.

Zoning Enforcement: Zoning Administration is processing the applicant's certificate of occupancy reflecting the change in bank ownership.

Civic Associations: The drive-through use is located in the Langston Brown Citizens' Association and across Lee Highway from the Yorktown Civic Association. The civic associations have been notified and, as of the date of the staff report, there have been no comments received by staff.

CONCLUSION: The bank use with drive through has operated since 2005. Previous use permit renewals found no issues with this use. The applicant is compliant with the conditions of approval. All conditions of approval except two (2) were construction-related and were satisfied before the issuance of a master certificate of occupancy. As it is current policy to not schedule County Board review of use permits for new construction (similar to the County's practice for new site plans), it is recommended that the use permit be renewed with no further scheduled County Board review. Any issues that may arise from this use in the future, such as property maintenance or zoning violation issues, can be handled in the usual manner by the Code or Zoning enforcement process. If egregious violations occur, the option of bringing the use permit to the County Board for an unscheduled review is still available. Therefore, staff recommends renewal of the subject use permit for a drive-through bank, subject to all previously approved conditions, with no further scheduled County Board review.

PREVIOUS COUNTY BOARD ACTIONS:

May 22, 1956	Approved a rezoning (Z-1238-56-1) of subject property from “C-1” to “C-2”.
November 20, 1956	Approved a rezoning of subject property (Z-1251-56-2) from “C-2” to “C-1”.
December 8, 1956	Approved use permit (U-1246-56-1) for operating a drive-in restaurant.
January 9, 1965	Approved a rezoning (Z-1786-65-3) of subject property from “C-1” to “C-H”.
June 25, 1977	Approved a rezoning (Z-2103-77-5) of subject property from “C-H” to “C-1”.
December 14, 2004	Approved a use permit (U-3101-04-2) for a drive-through facility a review in one (1) year following issuance of the Certificate of Occupancy or December 2006 whichever occurs first.
January 27, 2007	Renewed the use permit for a drive-through facility subject to all previously approved conditions and with a review by the County Board in one (1) year (January 2008).
January 26, 2008	Renewed the use permit for a drive-through facility subject to all previously approved conditions and with a review by the County Board in three (3) years (January 2011).

Approved Conditions:

1. The developer agrees to comply with plans and building façade elevations dated October 27, 2004 and October 29, 2004 as reviewed and approved by the County Board at its December 11, 2004 meeting and made a part of the public record, together with any modifications proposed by the developer and accepted by the County Board or vice versa. The approval of this use permit expires two years after the date of County Board approval if the approved plan is not under construction.
2. The developer agrees to comply with all state and local laws and regulations not modified by the County Board's action on this plan and shall obtain all necessary permits.
3. The developer agrees to file five (5) copies of a site development plan which complies with the final approval of the County Board with the Zoning Administrator within 90 days of County Board approval and before issuance of the Clearing, Grading, and Demolition Permit.
4. The developer agrees to submit a detailed final site development and landscape plan at a scale no larger than 1/16 inch = 1 foot before issuance of the Excavation/Sheeting and Shoring Permit or first Building Permit, whichever comes first, and the plan shall be approved by the County Manager or his designee before issuance of the final Building Permit. In order to facilitate comparison with the final site engineering plan, the landscape plan shall be at the same scale as the engineering drawing. The County may require more detailed plans appropriate to landscape installation at a larger scale (1/16 inch = 1 foot, 1/8 inch = 1 foot, or 1/4 inch = 1 foot). The County may permit minor changes in building, street, and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site development plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by the Department of Parks, Recreation and Community Resources (DPRCR) and shall be accompanied by the site engineering plan and the two (2) plans shall be compared to ensure that there are no conflicts between street trees and utilities. Neither plan shall be approved until the landscape plan and the site engineering plan agree. The installation of all plant materials shown on the final landscape plan shall take place before issuance of the First Certificate of Occupancy. The final site development and landscape plan shall include the following details:
 - a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, and the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final site engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets shall not be located in the public sidewalk. Transformers shall be screened and shall not be placed in the setback area between the building and the street;

- b. The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways, and sidewalks as well as for address indicator signs;
 - c. The location and types of light fixtures for the building, streets, parking, and walkway areas: Lighting fixtures and lighting plan shall not result in any glare beyond the property line;
 - d. Topography at two (2)-foot intervals and the finished first floor elevation of all structures;
 - e. Landscaping for internal circulation areas, raised planters, and surface parking areas, including a listing of plant materials and showing details of planting, irrigation, and drainage; and
 - f. The location and planting details for street trees and shrubs in accordance with Department of Environmental Services (DES) Standards and Specifications for planting in public rights-of-way along Lee Highway and North George Mason Drive as shown on the approved final site engineering and landscape plans.
 - g. The applicant agrees that the architectural and streetscape details shall be consistent with the urban design recommendations of the Arlington County Planning Division and as shown in elevations as reviewed and approved by the County Board at its December 11, 2004 meeting. Final design of the building, consistent with the approved elevations of the building, shall be subject to the approval of the County Manager or his designee.
 - h. Prior to approval by the County Manager, the applicant shall send a copy of the final landscape plan to the President of the John M. Langston Citizens Association for review and comment.
5. Landscaping shall conform to Department of Public Works Standards and Specifications and to the following requirements:
- a. Planting materials shall be of good nursery stock. A nursery guarantee shall be provided by the developer for two (2) years including the replacement and maintenance (to include but not be limited to pruning, feeding, spraying, mulching, weeding, and watering) of all landscape materials following issuance of the Master Certificate of Occupancy;
 - b. Planting materials and landscaping shall meet American Standard for Nursery Stock Z50.1-73 and shall also meet the following standards:
 - 1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Planes, Japanese Zelkovas, etc.) - a height of 12 to 18 feet with a minimum caliper of 3 to 3 1/2 inches.

- 2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum height of 8 to 10 feet.
 - 3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.) - a height of 10 to 14 feet with a minimum caliper of 1 1/2 to 2 inches.
 - 4) Shrubs - a minimum spread of 18 to 24 inches.
 - 5) Groundcover - in 2 inch pots.
- c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager or his designee, based on accepted landscaping standards, seeding may be substituted for sod. All sod and seed shall be state certified;
 - d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed;
 - e. Soil depth shall be a minimum of four feet for trees and tall shrubs and three feet for other shrubs.
 - f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
 - g. The developer agrees to maintain the site in a clean and well maintained condition before issuance of the Clearing, Grading, and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all landscaped areas located on private property are kept in a clean and well-maintained condition after the expiration of the two (2) year guarantee required in condition number 5.a. above and to follow the terms of the maintenance agreement approved for that purpose by the Zoning Administrator.
 - h. The developer agrees to notify the DPRCR Urban Forester at 703-228-6557 at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with the staff of the DPRCR to inspect the plant material, the tree pit, and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from DPRCR Urban Forester.
 - i. The applicant agrees to coordinate with the Arlington County Urban Forester to develop, install, and maintain a supplemental planting plan for the Lee Highway frontage subject to review and approval of the Virginia Department of Transportation.

6. The developer agrees to contact all utility companies, including the electric, telephone, and cable television companies, and offer them access to the site at the time of utility installation to install their cables. To comply with this condition, the developer agrees to submit to the Zoning Administrator letters from the developer to the utility companies offering them access as stated above before the issuance of any building permit.

7. The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as determined by the County Manager or his designee on the final site development and landscape plan and final engineering plan, in accordance with the Lee Highway/Cherrydale Revitalization Plan Standards or other applicable urban design standards approved by the County Board and in effect at the time of the final landscape plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project. The sidewalks along the street frontages of this development shall be concrete with brick banding and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services (DES). The sidewalk treatments shall continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic. The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement options shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer agrees to maintain and replace the street trees and sidewalks for the life of the site plan. The sidewalk sections and street tree species shall be as follows:

Lee Highway – A minimum five-foot-wide utility/planting strip adjacent to the back of curb and a minimum 10-foot-wide concrete sidewalk.

George Mason Drive - A minimum five-foot-wide utility/planting strip adjacent to the back of curb and a minimum 6-foot-wide concrete sidewalk.

8. The developer agrees to submit final site engineering plans to the Department of Public Works. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. The Excavation/Sheeting and Shoring Permit shall not be issued for this site until final site engineering plans and the sequence of construction has been approved by the Department of Public Works.

9. The developer agrees to provide at his total expense, underground utility services to the bank including any transformers needed to serve the proposed bank, such as electric, telephone services, etc. No new aerial utilities shall be permitted along the periphery of the site, and any utility link shall not result in the installation of any new utility poles and/or aerial lines on or off-site. The applicant agrees to cooperate with future County

utility undergrounding projects along Lee Highway and North George Mason Drive including any easements that may be necessary in the future so that existing utility lines and overhead transformers can be placed underground. The plan shall be designed so that there are no new utility poles or pole mounted transformers provided on or off-site.

10. The developer agrees to install address indicator signs which comply with Chapter 27-12 of the Arlington County Code, or successor provision, in a location visible from the street and as shown on the final site development and landscape plan.
11. The final design and materials of the proposed signs, along with their location and associated landscaping, shall be reviewed and approved by the County Manager or his designee before the issuance of any sign permits.
12. All required easements and right-of-way agreements shall be submitted to the DES for approval and be recorded by the developer before issuance of the Footing to Grade Structure Permit or first Building Permit, whichever comes first.
13. The developer agrees to submit a performance bond estimate for the construction of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the DES for review and approval upon approval of the final engineering plan and before issuance of the Footing to Grade Structure Permit. Upon approval of the performance bond estimate, the developer agrees to submit a performance bond and agreement for the construction or installation of all these facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the DPW and this bond shall be executed by the developer in favor of the County before the issuance of the Footing to Grade Structure Permit.
14. The final design and materials of the drive-through aisle, any trash storage and loading areas, retaining and screening walls and adjacent landscaping shall be subject to the approval of the County Manager or his designee before issuance of any building permit.
15. The developer agrees to ensure that all parking spaces comply with the requirements of Section 33 of the Zoning Ordinance. Drawings showing that these requirements are met shall be approved by the Zoning Administrator before issuance of the Footing to Grade Structure Permit.
16. Mechanical equipment shall be screened so as not to be visible from public rights-of-way.
17. The developer agrees to identify a community liaison for the Chevy Chase Bank who will be available to the adjacent residential community during the hours of operation to discuss any concerns of the community associated with the bank and the operation of the two (2) drive-through ATMs. The developer agrees to provide the name and telephone number of this representative to the John M. Langston Citizens Association and the Zoning Administrator before issuance of the Certificate of Occupancy.

18. The developer agrees to show on the final engineering plans street lighting along all frontages of the site prior to the issuance of the Excavation/Sheeting and Shoring Permit. The plans shall include the height and color of the street light poles. The developer agrees, at its cost, to purchase and install approved Arlington County street lighting along the frontages of the site prior to the issuance of the Shell and Core Certificate of Occupancy. In addition, the developer agrees to furnish and install all conduit and junction boxes necessary for the lighting system. All construction shall meet Arlington County standards.
19. The developer agrees to purchase and install Virginia Power "Carlyle" standard street lights along all frontages of the site in accordance with adopted County Street Lighting Policy. The height of the street lights shall be 16 feet.
20. The applicant agrees to construct Arlington County Standard driveway entrances to the site as shown on the final engineering plan approved by the County Manager or his designee.
21. The developer agrees to install and maintain five (5) bicycle parking spaces on site.
22. The applicant agrees to dedicate an easement for public sidewalk and utilities purposes to the proposed back of sidewalk along both street frontages as shown on the final engineering plan approved by the County Manager or his designee prior to the issuance of the Certificate of Occupancy. The applicant agrees to dedicate an easement for public street and utilities purposes to the proposed back of curb along both street frontages as shown on the final engineering plan approved by the County Manager or his designee prior to the issuance of the Certificate of Occupancy.
23. The applicant agrees to work with the Department of Environmental Services (DES to relocate the bus shelter and construct all improvements as shown on the final engineering plan approved by the County Manager and to execute the bus shelter agreement in favor of the County for the term of the use permit prior to the issuance of the Certificate of Occupancy. The applicant agrees to construct the pad for relocation of the bus shelter and DES agrees to provide the bus shelter structure in the public right -of-way.
24. The applicant agrees to show on the final engineering plans and construct pavement, sidewalk, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete sidewalk with brick banding, concrete curb and gutter and the then-current standards. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project as follows:

Lee Highway – Face of curb shall be located approximately 38 feet south of the survey centerline or as approved by the County Manager on the final engineering plan with the appropriate transition at the east property line back to the existing curb alignment.

George Mason Drive – Construct new curb and gutter in its present alignment and location as approved by the County Manager on the final engineering plan.

25. Subject to the approval of the United States Postal Service (USPS), the applicant agrees to make a location available to the USPS for a U.S. Postal Service drop-off box that will meet their requirements.
26. The applicant agrees to develop a plan to permit shared use of the bank's parking lot during the bank's non-business hours. The plan shall address hours of availability, security, maintenance, insurance, lighting, signage and potential users. The plan shall be submitted for review to the Arlington County Parking Manager and approval by the County Manager or his designee prior to the first review of the use permit.

