PROPOSED DEVELOPMENT CONDITIONS

SE 2013-LE-014

April 18, 2014

If it is the intent of the Board of Supervisors to approve SE 2013-LE-014 located at 5630 South Van Dorn Street, Tax Map 81-2 ((3)) 8A, to permit a vehicle sale, rental and ancillary service establishment pursuant to Sect. 4-604 of the Fairfax County Zoning Ordinance and waiver of the minimum lot size, lot width, and open space requirements pursuant to Sect. 9-610 and 9-612 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 runs with the land indicated in this application and is not transferable to other land.

2. A copy of the Special Exception conditions and the Non-Residential Use Permit (Non-RUP) 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.

3. 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.

4. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled “Select Auto Imports,” consisting of five sheets, prepared by Tri-Tek Engineering, dated March 19, 2013, as revised through February 25, 2014, and these conditions. Minor modifications to the approved special exception may be permitted as determined by the Zoning Administrator.

5. This Special Exception shall remain valid for five years from the date of issuance of a Non-RUP. Extensions beyond that time may be granted by the Zoning Administrator for two-year increments only if the continuation of the use would not interfere with the Van Dorn Street and Capital Beltway transportation improvements. Any request for such extension shall be submitted by the applicants to the Zoning Administrator in writing.

6. Within 120 days of approval of the Special Exception and prior to the issuance of a Non-RUP, the applicants shall demonstrate through the submission of an approved Virginia Department of Transportation (VDOT) permit to the Fairfax County Department of Transportation (FCDOT) that they have obtained written permission from VDOT to allow the private features within the right-of-way to remain, such as

aluminum fencing, columns, stone walls, and gates. A one-time extension of 60 days beyond the 120 days may be granted by the Zoning Administrator if the applicants can demonstrate they have diligently pursued such permission from VDOT. If any or all private features in the right-of-way are not permitted by VDOT, the applicants shall remove these features outside the right-of-way or relocate them on the property as generally shown in Attachment A of these conditions, provided this relocation does not interfere with sight distance. The applicants shall complete removal or relocation within six months of denial of a permit by VDOT. If the applicants remove or relocate the private objects in a manner that is not in substantial conformance with the SE/SP Plat or Attachment A, a Special Exception Amendment and/or a Special Permit Application will be required, as determined by the Zoning Administrator.

7. The applicants shall provide wheel stops for the vehicle storage and display area on the application property along McGuin Drive as generally shown on the SE/SP Plat for the purpose of ensuring that no portion of any vehicle for sale is located or overhanging within the right-of-way. The final location of the wheel stops shall be determined by VDOT and the Department of Public Works and Environmental Services (DPWES) at the time of site plan. The final location of the wheel stops shall allow for adequate circulation on the site, as determined by DPWES at the time of site plan. If the applicants must reconfigure this parking area in a manner that is not in substantial conformance with the SE/SP Plat in order to provide for such adequate circulation, a Special Exception Amendment and/or a Special Permit Amendment will be required, as determined by the Zoning Administrator.

8. Within 90 days of approval of the Special Exception, the applicants shall remove any signs prohibited by the Zoning Ordinance and any signs that have been installed without permit approval. The applicants shall obtain permits for all signs located on the subject property. The applicants may install up to one building-mounted sign and one freestanding sign in accordance with Article 12 of the Zoning Ordinance prior to the issuance of a Non-RUP.

9. All freestanding signs shall be located in conformance with Section 2-505 of the Zoning Ordinance and shall not conflict with vehicle sight distance.

10. Prior to the issuance of a Non-RUP and if requested by VDOT at the time of site plan, the applicants shall install signs along the McGuin Drive frontage to ensure that vehicles are not parked in this area.

11. Prior to site plan approval, the applicants shall demonstrate that any existing or proposed fences and columns do not interfere with sight distance, as determined by VDOT.

12. The area devoted to vehicle storage and display shall be limited to that area so designated on the SE/SP Plat. Such areas shall not be used for the storage or display of vehicles that are not in operating condition. No parking shall be permitted within the adjacent right-of-way.

13. The applicants shall extend the existing curb and gutter from the intersection of South Van Dorn Street and McGuin Drive to the easternmost entrance along McGuin Drive. The applicants shall upgrade the existing rolled asphalt curb from the easternmost entrance along McGuin Drive to the western property line to meet the standards of the Public Facilities Manual (PFM), as determined by DPWES at the time of site plan.

14. Prior to site plan approval, the applicants shall provide a detailed comparison of existing versus proposed impervious area tabulation/map. The existing impervious area shall be established based on Special Exception SE 87-L-002, which was approved on September 14, 1997. Based on this, stormwater detention requirements and Best Management Practices shall be met pursuant to the Public Facilities Manual, unless waived by DPWES.

15. The applicants shall submit a site plan within 120 days of approval of this application. The applicants shall obtain site plan approval within eight months of the approval of this application. Extensions of up to 90 days may be granted by the Zoning Administrator if the applicants can demonstrate they have diligently pursued site plan approval.

16. All applicable permits and final inspections shall be obtained for the existing building within 120 days of site plan approval.

17. Within 120 days of site plan approval and prior to the issuance of a Non-RUP, the applicants shall remove the portion of the building that encroaches onto the adjacent property to the north.

18. The applicants shall obtain the necessary approvals from the adjacent property owner to the north (Tax map 90-4 ((1)) 24) prior to the removal of the portion of the structure that encroaches onto that property.

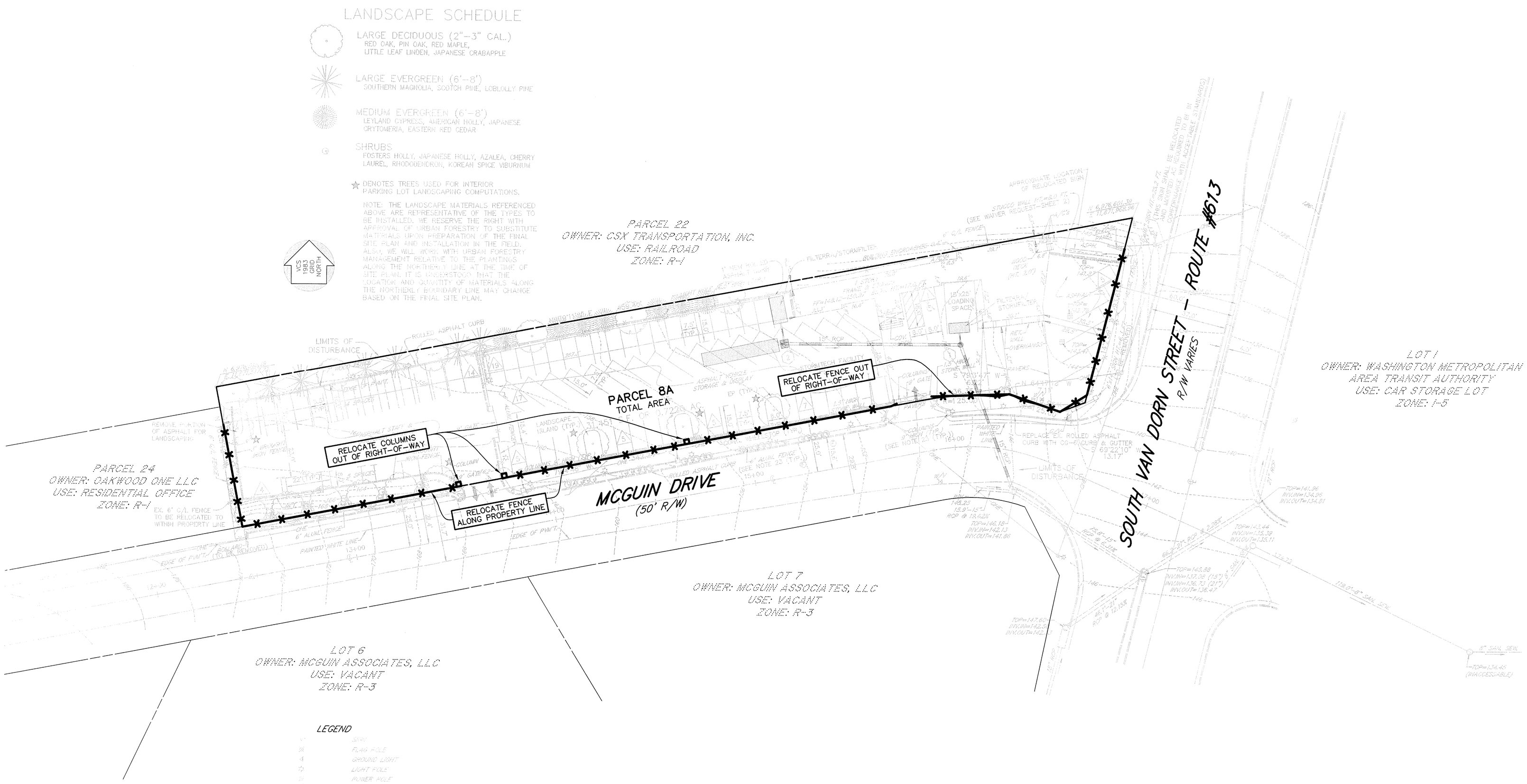
The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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, eighteen (18) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted for one of the proposed buildings. 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.

ATTACHMENT A



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PROFESSIONAL ENGINEER

SELECT AUTO IMPORTS

LEE DISTRICT FAIRFAX COUNTY, VIRGINIA

EXHIBIT RELOCATED IMPROVEMENTS OUT OF RIGHT-OF-WAY

DATE	REVISION

PM: TDB SCALE: 1"=25'
PE: TDB DATE: 02.25.14
CO: MSO SHEET 1 OF 1

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