

PROPOSED DEVELOPMENT CONDITIONS

SEA 78-D-075-2

~~May 5, 2014~~ May 22, 2014

If it is the intent of the Board of Supervisors to approve SEA 78-D-075-2 located at 8602 and 8610 Leesburg Pike [Tax Map Parcels 29-1 ((1)) 15 and 16] for use as a vehicle sales, rental and ancillary service establishment pursuant to Sect. 4-704 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. The conditions marked by an asterisk (*) denote previously approved 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. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. This Special Exception Amendment 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 submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Koons Tysons Toyota", prepared by Walter L. Phillips, Inc., and dated September 16, 2013 as revised through April 9, 2014, 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.
4. The SEA Plat depicts several ingress/egress easements providing access to Tax Map Parcels 29-1 ((1)) 11, 14 and 17. The private roadway resulting from these easements shall be kept clear of any site improvements, except those which would be normally part of the construction of a roadway, such as sidewalks and curbs. The resulting private roadway shall be kept open at all times to provide unimpeded access to Parcels 11, 14 and 17 located to the northeast of the application property. As such, activities, such as, but not limited to, unloading of trucks and/or car carriers; standing or parking of vehicles being offered for sale; parking of vehicles at the site for service of any kind; temporary storage of cars, trucks or any other vehicles; storage of merchandise, automobile parts or any other material; and/or any blocking of

this easement is prohibited. This condition does not exclude activities necessary for the maintenance of the roadway or the utilities located within or adjacent to the easement. No standing or parking of vehicles of any type, including without limitation customers' vehicles, shall be permitted along either side of the roadway, both sides of which shall be posted "No Parking", provided, however, limited customer parking on the southeast side of the roadway shall be acceptable if specifically permitted by easement agreement among owners of Tax Map Parcels 29-1 ((1)) 11, 1, 16 and 17. Further all loading, unloading and parking of trucks or vehicles used in the transport of automobiles or other vehicles shall occur within the bounds of the application property, although not within the private roadway (the easements) and shall not result in any disruption of the traffic on Leesburg Pike.*

5. Customer parking shall be designated on the site plan and identified by appropriate signage on-site, and customers shall park only in those locations. Employee parking shall be designated on the site plan and all employees shall be required to park in such locations. There shall be a minimum of eight-five (85) employee parking spaces. The number of employees shall be limited onsite at any one time and shall be limited to that number unless a display space is made available for the additional employee parking. Employees shall not park within any parking spaces designated for customer parking on the site plan.*
6. At the time of site plan approval, display spaces shall be labeled on the site plan, as approved by DPWES. Only those spaces which are labeled as display spaces shall be utilized for vehicle display. No vehicles shall be parked, stored, displayed or otherwise located on any portion of the site which is labeled for other purposes on the Special Exception Plat.*
7. All signs shall conform to the requirements of Article 12 of the Zoning Ordinance.*
8. Loudspeakers shall not be directed to the side of the property along the Dulles Airport Access Road and along the boundary with Tax Map Parcel 29-1 ((1)) 11. Further, any outdoor intercom system or other such system shall not be operated between the hours of 9:00 p.m. and 8:00 a.m.*
9. The private roadway between Parcels 15 and 16 may be widened within the easement area shown on the Special Exception Amendment Plat, and referenced in Condition 4 (or within the easement should the relocation not occur), without the requirement to obtain approval of a Special Exception Amendment. Subject to the determination of the agent of the Zoning Administration that the landscaping is in substantial conformance with the SEA Plat, the private roadway may be expanded beyond the relocated

easements, including such elements normally associated with roadway construction, such as, but not limited to, curb and gutter and sidewalks.*

10. The car wash shall be equipped to reuse at least 90% of the waste water associated with the car wash operation.

~~10-11.~~ All applicable Stormwater Management ordinance requirements shall be met. If any changes are required which are not in substantial conformance with the approved SEA Plat, a Special Exception Amendment may be required.

~~11-12.~~ A Landscape Plan shall be submitted at the time of site plan wherein management practices, prepared by a Certified Arborist or Registered Consulting Arborist, shall be identified and provided by the application for the protection of vegetation—both new and existing, subject to the review and approval of the Urban Forest Management Division.

~~12-13.~~ Any future tree pruning on all landscape trees shall be performed in accordance with the latest edition of American National Standards Institute (ANSI) A300 Pruning Standards. Any trees that have been improperly pruned, negatively impacting their long-term health and canopy coverage, shall be replaced as determined by the Urban Forest Management Division.

~~13-14.~~ All trees located within private easements, such as the existing Bell Atlantic easement, shall be replaced in the event that the trees are damaged or removed as determined by the Urban Forest Management Division to sustain the 10-year canopy.

~~14-15.~~ Tysons Corner Transportation Fund Contributions. At the time of issuance of the first Non-RUP, the applicant shall contribute \$4.19 for each new square foot of non-residential space to the Tysons Corner Transportation Fund in accordance with the Board of Supervisors' policy adopted on January 28, 2014. These payments may be made earlier than required pursuant to this Paragraph.

~~15-16.~~ The installation, location, number and type/brand of bicycle rack shall be coordinated with the Fairfax County Transportation Bicycle Coordinator during site plan review and installation of the racks.

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 the use has been established or construction has commenced and been diligently prosecuted. 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.