

DEVELOPMENT CONDITIONS

SE 2010-MA-015

September 29, 2011

If it is the intent of the Board of Supervisors to approve SE 2010-MA-015, located at Tax Map 80-2 ((1)) 38A (the "Property") to permit a service station pursuant to Sect. 4-804 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. 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. (A) This Special Exception 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 "Shirley Industrial Park Lot 38A", prepared by Christopher Consultants and dated August 12, 2011, with engineer's seal date of August 12, 2011 (the "SE Plat"), as qualified by these development conditions.

(B) The Property may be developed in phases, indicated on the Special Exception Plat as Phase I and Phase II, without any further approval by the Board, subject to compliance of each Phase with Article 17, Site Plans.

(C) If indicated by engineering considerations or site conditions, as reviewed and approved by the Director of DPWES as part of site plan approval, development of the Property may include storm water detention or storm water management measures different from those shown on the SE PLAT, without the necessity of further approval by the Board, subject to compliance with Art. 17, Site Plans provided said measures are determined to be in substantial conformance with the SE Plat.

(D) Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Architecture for the building and canopy shall be in substantial conformance with that shown on Sheet 9 of the SE Plat.
5. All signage shall meet the requirements of Article 12 of the Zoning Ordinance.

6. No vehicular repairs shall occur on the Property.
7. Abandoned, wrecked, or inoperable vehicles shall not be stored on-site.
8. Sheet 5 of the SE Plat depicts the landscape plan, which includes new plantings along the existing tree line within the Property. The applicant shall subject to review and approval of UFMD, i) provide supplemental plantings, consisting of approximately four additional trees and 15 additional shrubs (a combination of deciduous and evergreen trees and shrubs) along the existing tree line within the Property, primarily along the portion of the existing tree line in the easterly part the Property and where the SE Plat does not depict new trees/shrubs; ii) will plant a mixture of trees, shrubs, and perennials in the proposed rain gardens,
9. Prior to the issuance of a Non-RUP and subject to approval by Fairfax County Department of Transportation (FCDOT) and VDOT, a sidewalk shall be provided along Commercial Drive on the Property
10. Irrespective of the note shown on the plat that all three access points can be administratively approved by the director, only two accesses will be permitted at any time and will be subject to approval by VDOT and FCDOT.

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 (30) months after the date of approval unless the use has been established as evidenced by the issuance of a Non-Residential Use Permit 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.