

PROPOSED DEVELOPMENT CONDITIONS

SEA 95-P-045

October 1, 2008

If it is the intent of the Board of Supervisors to approve SEA 95-P-045 located at 1753 Pinnacle Drive (Tax Map 29-4 ((1)) 2) for a land based telecommunications facility pursuant to Sect. 9-105 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These conditions shall be in addition to conditions previously approved pursuant to SE 84-D-003 and SE 95-P-045 .

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 amendment plat approved with the application, as qualified by these development conditions.
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 "Aircell Special Exception Plan Proposed Unmanned Wireless Communication Site Tysons" Corner, prepared by KCI Technologies and dated December 11, 2007, as revised through May 2, 2008, and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Unless waived by the Zoning Administrator, a steady red marker light shall be installed on the facility and operated at all times. No other signals, lights or illumination shall be permitted unless required by the Federal Communications Commission, Federal Aviation Administration or the County. Any such light shall be shielded to prevent the downward transmission of light.
5. The panel antennas and their supporting mounts shall be of a material or color which closely matches and blends with the exterior of the building or structure.
6. No signs shall be permitted on the subject property for the advertisement of the users of the telecommunications facility. No commercial advertising or sign shall be allowed on the antennae, antennae support structures or related equipment cabinet or structure.
7. Should the need arise to alter panel antennas from that shown on the SEA Plat, the applicant shall submit engineering and structural data affirming to the Zoning Administrator that said alterations conform to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code to DPWES prior to alteration.

8. Any component(s) of the telecommunications facility shall be removed within 120 days after such component(s) are no longer in use.
9. Additional antennae may be permitted without an amendment to this SEA provided the 2232 Features Shown Provisions can be satisfied.
10. There shall be no outdoor storage of materials, equipment, or vehicles within the wireless compound for the telecommunications facility.

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 Amendment shall not be valid until this has been accomplished.

The approval of this special exception does not interfere with abrogate or amend any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment 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.