

PROPOSED DEVELOPMENT CONDITIONS

SE 2004-MA-003

June 24, 2004

If it is the intent of the Board of Supervisors to approve SE 2004-MA-003, located at Tax Map 50-3 ((1)) 5 and 5A pt., to permit a waiver of open space requirements pursuant to Sect. 9-612 of the Fairfax County Zoning Ordinance, the 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. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the 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 "Federal Investment Realty Trust" consisting of six (6) sheets prepared by Bohler Engineering, P.C., dated December 2, 2003, as revised through May 21, 2004, and these conditions. Minor modifications may be permitted in accordance with Sect. 9-004 of the Zoning Ordinance.
4. The new ±58,000 square foot retail building shall be constructed utilizing building materials, color schemes, and four-sided architecture implementing a similar architectural style as depicted on the elevations prepared by Brown & Craig, Inc., received April 14, 2004 by the Department of Planning and Zoning. Any documentation or additional materials that the Department of Public Works and Environmental Services (DPWES) requires to make such a determination shall be provided by the Applicant with submittal of each building permit.

Any other building that undergoes modifications to the front façade shall also receive color treatment, consistent with the color treatment of the new +/- 58,000 square foot retail building, on any rear or side façade which faces the adjacent residential development.

5. The southern and western property boundaries, and the southern half of the eastern property boundary, shall be planted (on the residential side of the fence) with additional evergreen plantings such as dark green American arborvitae, Leyland cypress, American holly, eastern red cedar or Foster's holly to

supplement the existing vegetation wherever space permits, as determined by the Urban Forester. In addition to the retention of existing vegetation, supplemental understory landscaping and evergreen plantings may be required to meet the intent of the Transitional Screening, as determined by the Urban Forestry Division.

6. The existing barrier shown on the SE plat along the southern and western property boundaries may be retained or replaced with another barrier.
7. As determined by the Urban Forestry Division, any trees proposed to be saved that will not survive the construction shall be replaced with more suitable deciduous trees as listed in Table 12.7 of the Public Facilities Manual (PFM).
8. In addition to that shown on the SE Plat, one or more planting beds that meet the eight (8) foot planting width and minimum planting area requirements of the PFM [PFM 12-0702.1B (2)] shall be provided in the area between the proposed new retail building and the one story existing retail building to remain, as determined by the Urban Forestry Division.
9. All new signs, and any that are replaced or refurbished, shall be in conformance with Article 12 of the Zoning Ordinance.
10. All parking and loading areas shall be in conformance with Article 11 of the Zoning Ordinance, as determined by DPWES.
11. All new and replacement outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.
12. There shall be no issuance of any Group 8 Special Permits (Temporary Uses) or 21-Day Non-RUPs for this location, with the exception of contractors' offices and sheds that are accessory to an on-site active construction project, unless sufficient parking is provided.

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