

PROPOSED DEVELOPMENT CONDITIONS

SE 2004-LE-040

February 11, 2004

If it is the intent of the Board of Supervisors to approve SE 2003-LE-040 located at Tax Map 101-2 ((1)) 12A part (north of the South Valley Shopping Center and west of Mount Vernon Plaza) to allow uses in a floodplain pursuant to Sect. 9-606 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. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception plat **entitled Federal Realty Investment Trust and prepared by Bohler Engineering, P.C., which is dated October 29, 2003, as revised through December 23, 2003**, 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. A Hold Harmless Agreement shall be executed with the County for all adverse effects which may arise as a result of the location of structures and/or facilities within a floodplain area.
5. Best management practices (BMPs) shall be provided for the Mount Vernon Plaza shopping center which meet the requirements of the Chesapeake Bay Preservation Ordinance (CBPO). Should these BMPs fail to be provided or should they fail to meet the required standards of the CBPO, then this Special Exception shall be rendered null and void.
6. Prior to the final site plan approval for the proposed shopping center expansion, it shall be demonstrated to the satisfaction of DPWES that the proposed building expansion shall have no significant impact on the water surface elevation of the 100-year floodplain per Par. 1 of Sect. 2-905 of the Zoning Ordinance.
7. The lowest exterior elevations of the lowest floor of all new buildings proposed with this Special Exception shall be not less than 18 inches above the base flood elevation.
8. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., in the floodplain. This development condition does not pertain to items stored within structures.

9. The US Army Corps of Engineers shall be consulted in writing prior to the final site plan approval to determine whether or not any action is required to ensure compliance with § 404 of the Clean Water Act. Any required actions shall be completed prior to grading the site. If any necessary permissions are not granted or the required actions are not completed, this Special Exception shall be null and void.
10. As-built floor elevations for the structures shall be submitted to DPWES in accordance with Section 3107.12.1 of the Virginia Uniform Statewide Building Code (VUSBC 1977) on a standard FEMA Elevation Certificate prior to approval of the framing inspection.
11. All construction shall be in conformance with Section 3107.0 Flood-Resistant Construction of the Virginia Uniform Statewide Building Code (VUSBC 1977). A statement certifying all floodproofing proposed, and indicating its compliance with all County, State, and Federal requirements shall be provided with the Building Permit application. This certification shall be signed, sealed, and indicate the address of the certifying professional and it shall cover all structural, electrical, mechanical, plumbing, water and sanitary facilities connected with the use.
12. Erosion and sediment control measures shall be installed at all stages of construction. A "super silt fence" shall be installed along the lower clearing and grading limits for the site. If deemed necessary by DPWES, controls shall be designed to achieve greater erosion and sediment control than that achieved by the minimum design standards set forth in the Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook.
13. At the time of site plan review, a cross-section which is appropriately located to depict the existing and proposed channel geometry and the loss in flow area shall be provided for the review and approval of DPWES.

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 Sect. 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.