

## PROPOSED DEVELOPMENT CONDITIONS

SE 2005-LE-001

June 16, 2005

If it is the intent of the Board of Supervisors to approve SE 2005-LE-001, located at 6700 Richmond Highway (Tax Map 93-1 ((1)) 1A part), to allow the establishment of a vehicle light service establishment pursuant to Sect(s). 4-604 of the 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 this application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Exception is subject to the provisions of Article 17 of the Zoning Ordinance, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any site plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception plat **entitled Special Exception Plat, Beacon Mall: Vehicle Light Service Establishment, and prepared by Walter L. Phillips, Incorporated, which is dated December 2, 2004 and revised through May 31, 2005** 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.
5. The maximum number of service bays on site shall be limited to ten as depicted on the SE Plat. Vehicle repairs shall be performed within interior service bays only. No outdoor vehicle lifts shall be permitted.
6. All four sides of the proposed structure on site shall be constructed in substantial conformance with the attached architectural elevations. Irrespective of the elevation indicated with the attached architectural elevations, no building mounted signage shall be provided on the western façade of the building, and the western façade shall incorporate architectural features (such as using a different paint color on the building and/or trim) to enhance the façade's visual appearance to the adjacent multifamily residences to the west (Beacon Hill Apartments).
7. The hours of operation for the vehicle light service establishment shall be limited to between 7:00 AM to 7:00 PM, Monday through Friday, 8:00 AM to 5:00 PM, Saturday and 9:00 AM to 5:00 PM, Sunday.

8. The maximum number of employees assigned to staff the site at any one time shall be limited to fifteen (15).
9. All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
10. All signs shall be in conformance with Article 12 of the Zoning Ordinance and Development Condition #6. Pole mounted signs shall be prohibited.
11. A landscape plan shall be submitted concurrent with submission of the site plan for review and approval by Urban Forest Management, DPWES. The plan shall provide landscaping in substantial conformance with the location, quality and quantity of landscaping shown on the SE Plat. A minimum of fifty percent (50%) of new trees within the special exception area shall be native species as defined by the Fairfax County Public Facilities Manual.
12. If the stormwater/best management practices facility is waived by DPWES, a best management practices (BMP) filterra facility shall be provided generally as located on the SE Plat subject to the review and approval of DPWES. ~~At the time of site plan, the applicant shall work with the Lee District Planning Commissioner and the Lee District Land Use Advisory Committee to review the feasibility of infiltration measures on the site. If infiltration cannot be provided due to soil conditions or excessive costs, the applicant shall provide information to the Lee District Planning Commissioner and the Lee District Land Use Advisory Committee to indicate that infiltration is not feasible. In order to provide for the design of infiltration, minor modifications to the planting islands indicated on the special exception plat shall be permitted.~~
13. Crosswalks to the proposed building shall be provided as shown on the SE Plat.
14. Any trash dumpsters shall be fully screened with a brick wall or board on board fence and a gate, as shown on the SE Plat.
15. There shall be no outdoor storage and the display of goods offered for sale. No outdoor storage or display of used or new tires shall be permitted.
16. There shall be no abandoned, wrecked or inoperable vehicle stored outdoors for a period exceeding 72 hours.
17. The applicant shall work with the property manager of the neighboring Beacon Hill Apartments to coordinate the location of a paved pedestrian connection on the subject property to permit a pedestrian link with the Beacon Hill Apartments to the west. The applicant shall install the pedestrian connection on the applicant's property to permit the Beacon Hill Apartments to install a similar

connection on its property to allow for pedestrian interparcel access. If a temporary grading and/or construction easement is necessary from the Beacon Hill Apartments in order to install the sidewalk on the applicant's property, installation of this pedestrian linkage shall not be required if such easements are not provided at no cost by the owner of Tax Map Parcel 92-2 ((1)) 16A.

18. No loudspeakers or phones with amplified ringing tones shall be permitted on the property.
  
19.
  - a. Prior to site plan approval, a noise study shall be completed by the applicant measuring the noise levels of the existing vehicle light service establishment located at the southeast corner of the shopping center at the intersection of Richmond Highway and Memorial Street in order to determine the baseline noise levels associated with such use. The noise study shall be conducted during typical hours of operation of the existing vehicle light service establishment and shall include measurements taken at multiple locations, including the two closest property lines and at distances approximately 140 feet from the existing structure, representing the approximate distance of the vehicle light service establishment proposed for the subject property from the nearest residential building at the adjacent Beacon Hill Apartments. A second, separate noise study shall be completed no later than six months following the commencement of operations of the vehicle light service establishment proposed for the subject property in order to determine the noise levels associated with the new establishment. This second noise study shall be conducted during typical hours of operation of the establishment and shall include measurements taken at multiple locations, including the two closest property lines, and at distances approximately 140 feet from the new structure. Copies of both studies shall be provided to the property manager of the Beacon Hill Apartments, the Lee District Supervisor, and the Department of Planning and Zoning, Zoning Evaluation Division.
  
  - b. If the second study shows that the vehicle light service establishment does not meet the commercial noise standards per Section 108-4-4 of the Fairfax County Code, then the applicant may modify the landscaping, building design or operation, including the provision of additional vegetation, shutting the bay doors of the building, etc., in order to meet the standards of Section 108.
  
  - c. In order to further mitigate noise impacts from the vehicle light service establishment, it shall be ensured that **the applicant uses best efforts to ensure that** individual bay doors of the establishment are opened only for the ingress and egress of vehicles, that individual bay doors are closed during repair of vehicles, and that individual bay doors do not remain open while there is no vehicle located in such bay.
  
20. A representative of the operator of the vehicle light service establishment and a representative of the applicant shall meet with the property manager of the

adjacent Beacon Hill Apartments annually for the first two years after the opening of the vehicle light service establishment to discuss concerns or questions regarding the operation of the vehicle light service establishment. With the consent and assistance of the property manager of the Beacon Hill Apartments, notice of the annual meetings shall be provided by the applicant to apartment residents by posting advertisements in conspicuous locations around the apartment community or in a community newsletter or similar mailing distributed to residents by the property manager. Following the period two years after the opening of the vehicle light service establishment, the parties shall continue to meet annually only if necessary.

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 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.