

CONCEPTUAL DEVELOPMENT PLAN CONDITIONS

CDP 2004-MV-041

October 19, 2005

The Board of Supervisors approved the Conceptual Development Plan associated with RZ 2004-MV-041, by requiring conformance with the following development conditions.

1. The westernmost direct access to the site from Huntington Avenue shall be provided subject to the review and approval of VDOT and the Fairfax County Department of Transportation, as shown on Sheet #4 and Sheet #5 of the CDP/FDP/SE Plat entitled Huntington Mews, prepared by Christopher Consultants containing (10) sheets, each containing an engineer's seal date and revision date of September 12, 2005, except for sheet #3 which is revised through July 11, 2005 and sealed September 12, 2005. Sheets 4A and 5A of the CDP/FDP/SE shall not be submitted to DPWES with the site plan or any subsequent submissions.

PROPOSED DEVELOPMENT CONDITIONS

SE 2004-MV-035

September 29, 2005

If it is the intent of the Board of Supervisors to approve SE 2004-MV-041 located at Tax Maps 83-1 ((1)) 56, 57, 62A, 62B, 63-65, 67-74, 76, 76A, 78-80, 82, 83, 85; 83-1 ((18)) 1, 2, 3, 4; 83-3 ((1)) 95-99; and portions of Foley Street public right-of-way to be vacated and a private alley, to allow uses in a floodplain to permit disturbance within a floodplain for removal of existing structures and pavement, to construct a stormwater outfall channel, and for installation of a pervious surface trail, with an overall net reduction in impervious area within the floodplain, pursuant to Sect. 2-904 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 CDP/FDP/SE plat **entitled Conceptual/Final Development Plan & Special Exception Plat, entitled Huntington Mews, prepared by Christopher Consultants, which is dated May 21, 2004, as sealed and revised through September 12, 2005** and these conditions.
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 the site within a floodplain area, prior to approval of a grading plan.
5. Trees and other indigenous vegetation shall be preserved on the site during the construction process to the maximum extent feasible, as determined by Urban Forest Management.
6. No more land shall be disturbed than is necessary to provide for the removal of existing structures and pavement, to construct the stormwater outfall channel, and for installation of the pervious surface trail, as determined by DPWES.
7. If deemed necessary by DPWES, a geotechnical report and a grading plan shall be submitted to DPWES prior to site plan approval. Plans shall be implemented as required by DPWES.
8. The US Army Corps of Engineers shall be consulted in writing prior to the submission of a grading plan 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.

9. Stormwater drainage shall be directed to ditches through the use of pipes, swales, or other devices, as determined by DPWES. All fill areas shall be stabilized, graded, or have drains installed such that normal rainfall will not flow over the filled area onto adjacent properties, as determined by DPWES.
10. Prior to approval of a grading plan, it shall be demonstrated to DPWES that the proposed disturbance, when combined with all other existing, anticipated, and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream.
11. Disclosure of potential flood hazards due to the location of a portion of the site within the 100-year floodplain shall be made in writing to any potential home buyers prior to establishment of a sales contract and be included in the HOA Documents.
12. 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., within the floodplain.
13. Prior to the issuance of any plan approval, a Water Quality Impact Assessment and demonstration of conformance with the water quality control requirements of the CBPO shall be submitted subject to the review and approval of this DPWES.
14. In accordance with Par. 2 of Sect. 2-905 of the Zoning Ordinance, the elevation of the lowest part of the lowest floor of dwellings proposed on the property shall be not less than 12.5 feet, 18 inches above the base flood elevation of 11.0 feet. In addition, all mechanical, electrical, and utility equipment must be at or above the flood level.

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 responsible for obtaining the required 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.