



APPLICATION FILED: January 26, 2006
PLANNING COMMISSION: May 31, 2006
BOARD OF SUPERVISORS: Unknown

County of Fairfax, Virginia

May 17, 2006

STAFF REPORT

APPLICATION SEA 00-P-014

PROVIDENCE DISTRICT

APPLICANTS: Robert J. Estris
City of Falls Church –Public Utilities Division

ZONING: C-8, HC, SC

PARCEL(S): 29-3 ((1)) 78B

ACREAGE: 14,697 square feet

PLAN MAP: Office

SE CATEGORY: Category 1, Use 7: Water Control, Pumping
and Storage Facilities

PROPOSAL: Amendment to SE 00-P-014 previously
approved for replacement of water storage
facilities to permit modification of development
condition regarding landscaping.

STAFF RECOMMENDATION:

Staff recommends approval of SEA 00-P-014 subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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Department of Planning and Zoning

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It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



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For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal:

To amend the previously approved SE 00-P-014 (Appendix 4) approved for construction of new water storage facilities to permit modification of a development condition. Specifically, the application proposes to amend the approved Special Exception to delete development condition number 7 accepted pursuant to the approval of the aforementioned special exception. Development Condition 7 states, "Any trees removed from the temporary easement during construction shall be replaced equivalent in number and quality to that on the site prior to construction, as determined by the Department of Public Works and Environmental Services (DPWES). Trees may include Virginia Pine, eastern red cedar, or white or red oak species and shall provide year round screening and visual relief." The referenced temporary easement is located in an adjacent property owned by the U.S. Army Corps of Engineers (COE).

During the construction of the project, the COE submitted a letter to the City of Falls Church requesting that the trees, required to be planted by Special Exception Development Condition Number 7, not be replanted within the temporary easement area. After the receipt of this request the applicant requested an interpretation of whether the removal of the trees without replacement was in conformance with the approved Special Exception. The interpretation (Appendix 5) concluded that the removal of the trees without replacement was not in conformance with the approved Special Exception and that it would be necessary to file a Special Exception Amendment application to allow for the removal of Development Condition 7 to accommodate the COE request to remove and not replant trees in the temporary easement area.

The application requests no other changes in the approved Special Exception other than the removal of the above referenced development condition.

This is a Category 1 Special Exception Use, and is subject to the provisions of the Zoning Ordinance General Standards of Section 9-006, and provisions for Uses in a Floodplain, Section 4-804, among others. No waivers or modifications of the Zoning Ordinance requirements are requested.

Copies of the applicable Zoning Ordinance provisions are attached as Appendix 7. A reduction of the Special Exception is included in the front of this report.

LOCATION AND CHARACTER

Site Description:

The property is located on the north side of Chain Bridge Road approximately 1,000 feet east of its intersection with Leesburg Pike. The site is developed with a 2.2 million gallon elevated water storage tank. The property is accessed from a single curb cut on the western side of the property from the access road fronting the parcel.

The property is bordered on the east by a military communications installation site operated by the U.S. Army Corps of Engineers, to the west and south by an access road and the Chain Bridge Road (Route 123) and the Leesburg Pike (Route 7) interchange and to the north and west by Clyde's restaurant.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Clyde's Restaurant	C-8	Retail and Other
South	Off Ramp Highway 7/123 Interchange and frontage road	R-1	Highways
East	U.S. Army Corps of Engineers Communications Installation	R-1	Office
West	Vacant Land	C-8	Retail and Other

BACKGROUND

Site History:

The original 1.57 million gallon water tower was constructed on the site in 1954. The original tower was removed and replaced by the existing 2.2 million gallon water tower which was approved by SE 00-P-014 in 2000 and was constructed in 2003 subsequent to the approval of the application. A copy of the approved development conditions and a reduction of the approved SE Plat are contained in Appendix 4.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area II
Planning Sector: Tyson's Corner (M1)
Plan Map: Retail and Other

ANALYSIS**Special Exception Plat** (Copy at front of staff report)

Title of SE Plat: Special Exception Plat, Tysons Corner
Elevated Water Storage Tank

Prepared By: Gannett Flemming.

Original and Revision Dates: January 2000, Revised: November, 2005

Plat Description

The plat shows the removal of the water tower which formerly existed on the site and the new tower which was constructed on the site subsequent to the approval of SE 00-P-014. The plat depicts the prior water tank which was demolished which was 70' in diameter and stood 568' in height. The plat also depicts the existing tower which is 78' in diameter at its base and is 105' diameter in its upper portion. The tower is 610 feet in height. The temporary construction easement referred to in Development Condition Number 7 is located along the adjacent property line to the east of the tower. The only revision to the plat from the previously approved Special Exception Plat is a the deletion of note 8 which states "Trees removed during construction shall be replaced in existing location with Virginia Pine, Oak or Eastern Red Cedar" and the deletion of a reference on the plat to replacement of specific trees located to the east of the property in the temporary construction easement area after construction.

Land Use Analysis

The Comprehensive Plan recommends the site for retail and other uses. There are no land use issues.

Environmental Analysis (See Appendix 6)

There are no environmental issues.

Transportation Analysis (See Appendix 7)

There are no transportation issues.

DPWES/Urban Forest Management (See Appendix 8)

The Urban Forest Management analysis indicated that during the review of the interpretation that led to the filing of this Special Exception Amendment application that it was determined and reflected in the interpretation letter that the landscaping as shown on the approved plan had yet to be installed and was too small for additional plantings except for two large deciduous trees at the northwest corner of the site. With the planting of the two large deciduous trees on the site as noted on the landscape plan and installation of the on-site landscaping in accordance with SE 00-P-014, there are no Urban Forest Management issues with the deletion of Development Condition 7.

OTHER ZONING ORDINANCE REQUIREMENTS:**Special Exception Requirements** (See Appendix 9)

- General Special Exception Standards (Sect. 9-006)
- Standards for all Category 1 Uses (Sect. 9-104)

General Special Exception Standards

All special exception uses are required to meet general standards. In staff's judgment, the subject application previously satisfied and the amendment to delete the aforementioned development condition continues to meet all of the general special exception standards.

Summary of Zoning Ordinance Provisions

Staff believes that the subject application satisfies all applicable zoning ordinance provisions.

CONCLUSIONS AND RECOMMENDATIONS**Staff Conclusions**

Staff therefore concludes that the subject application is in harmony with the Comprehensive Plan and is in conformance with the applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends approval of SE 00-P-014 subject to the Proposed Development Conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Letter of Approval , Development Conditions and Reduction of Plat for SE 00-P-014
5. Interpretation Letter for SE-00-P-014
6. Environmental Analysis
7. Transportation Analysis
8. Urban Forest Management Analysis
9. Applicable Zoning Ordinance Provisions Checklist
10. Glossary of Terms

REVISED PROPOSED DEVELOPMENT CONDITIONS

SEA 00-P-014

May 17, 2006

If it is the intent of the Board of Supervisors to approve SEA 00-P-014 located at (Tax Map 29-3 ((1)) 78B) for use as a elevated water storage tank facility pursuant to Sect. 4-804 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous development conditions. Those conditions carried forward from the previous special permit and special exception are marked with an asterisk (*). Minor edits have been made to conform to current standards.

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. The Special Exception 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 Special Exception Plat Tysons Corner Elevated Storage Tank, and prepared by Gannet Fleming, which is dated January 2000 and revised to November 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.*
4. A commercial driveway entrance shall be provided for the structure as shown on the special exception plat. *
5. During construction, proper maintenance and protection of traffic for the site and the service drive (ramp) during work and non-work hours shall be provided by the applicant's construction crew.*
6. A canopy tent shall be provided by the applicant during construction to shield the adjacent property and vehicles from debris, such as sparks and paint from the new facility.*
7. To mitigate the visual impact of the expanded water storage facility from Route 7 and Highway 123, landscaping shall be planted to the west and south of the structure, as determined by Urban Forest Management of the Department of Public Works and Environmental Services (DPWES). Existing landscape buffers

shall be preserved and be supplemented to the maximum extent feasible, as determined by the Urban Forest Management, DPWES, to provide an effective year-round screen.*

8. All signs shall conform with Article 12 of the Zoning Ordinance.*
9. The elevated storage tank shall be light blue in color. *
10. The steel posts located within the right-of-way shall be removed prior to site plan approval. *
11. Parking shall be provided in accordance with Article 11 of the Zoning Ordinance.*

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 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.

