

DEVELOPMENT CONDITIONS

SE 2006-PR-008

September 20, 2006

If it is the intent of the Board of Supervisors to approve SE 2006-PR-008 for a vehicle sales establishment located at 8427 Lee Highway and 2924 Prosperity Ave., (Tax Map 49-3 ((1)) 41A, 42), pursuant to Sect. 5-504 and 4-804 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions which supersede all previously approved 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. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) 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.
3. This 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 "BMW of Fairfax Showroom", prepared by VIKA, Inc. (Sheets 1-12), Dewberry & Davis (Sheets 13-15), Everton Oglesby Architects PLLC / Infrastructure Incorporated (Sheets 16-19) which is dated February 3, 2006, as revised through August 15, 2006, 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. Landscaping shall be provided in substantial conformance with the location, quality and quantity of plantings depicted on the SE Plat. This plan shall be coordinated with, and approved by, Urban Forest Management, DPWES. The landscaping shall include a variety of native tree species, of various sizes, planted throughout the site including streetscape, peripheral and interior parking lot landscaping as approved by UFM. All landscaping shall be irrigated and maintained by the applicant.
5. Subject to approval by DPWES, the Applicant shall install street trees in planting strips/tree wells as shown on the SE Plat. In instances where such planting strips/tree wells contain less than 8 feet of surface width structural soil shall be installed in the planting areas as shown on the SE Plat and as approved by Urban Forest Management in order to promote the survivability of street trees. The Applicant shall provide Urban Forest Management written confirmation from a certified arborist demonstrating and verifying the installation of structural soil in

- such locations and documenting that the structural soil was produced by a licensed company. In addition, the Applicant shall notify Urban Forest Management at least 72 hours in advance of the first installation of structural soil to afford Urban Forest Management representatives an opportunity to inspect the installation.
6. The outdoor area devoted to loading, parking and display of vehicles shall be limited to that area so designated on the Special Exception (SE) Plat, and no vehicles shall be displayed on the site in a manner that will impede the flow of traffic or pedestrian access on-site. No parking shall be permitted along sidewalks, service drives and within landscaped areas. No storage of vehicles shall be permitted on-site except for that area depicted for display of vehicles on the SE Plat.
 7. The architecture shall generally conform with the illustrative architectural elevations as shown on the SE Plat Sheets 16 through 19, as determined by DPWES.
 8. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
 9. No more than one freestanding sign shall be permitted at the subject site. Such sign shall be a monument type; no pole signs shall be permitted. No buntings, flags, balloons, or other types of decorative materials used for promotional purposes shall be located in such a manner as to be visible from off-site, except as otherwise allowed by the provisions of Article 12 of the Zoning Ordinance.
 10. Any dumpster and recycling containers located on the exterior of the building shall be located within a gated enclosure that is constructed of brick or architectural block.
 11. There shall be no loading or unloading of vehicles for sale conducted on-site or on the adjacent streets. All such loading and unloading shall be done off-site at the dealers service center location (8504 Lee Highway.)
 12. There shall be no vehicle repair or inoperable vehicles stored on-site.
 13. There shall be no maintenance or refueling of vehicles on-site.
 14. Upon demand by Fairfax County, dedication and conveyance in fee simple to the Board of Supervisors of right-of-way along the application's Lee Highway frontage shall be made in conformance with VDOT Plan #0029-029-119 or as otherwise determined necessary by DPWES.
 15. Upon right-of-way dedication, the applicant shall be permitted to utilize the dedication areas for parking, landscaping and other public uses as provided in a license agreement approved by the County Attorney.

16. The Applicant shall grant ingress/egress easements for the benefit of Lot 49-3 ((1)) 43 for the interparcel access shown on the SE Plat.
17. The applicant will recycle the fluorescent light bulbs used on the property.

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 Permits through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 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.