

DEVELOPMENT CONDITIONS

SEA 95-L-011

December 7, 2006

If it is the intent of the Board of Supervisors approved SEA 95-L-011 located at 6910 Richmond Highway & 3091 Clayborne Avenue [Tax Map 92-2 ((18)) (6)1A & 92-2 ((18)) (7)8A] to amend SE 95-L-011 previously approved for increase in building height, parking in the R District, vehicle sales, rental, and ancillary service establishment and increase in FAR including an increase in the area for office to permit deletion of the vehicle sale, rental and ancillary service establishment, and increase the percentage of office use pursuant to Sect. 9-622 and A7-402 of the Fairfax County Zoning Ordinance, staff recommends that the approval be subject to conformance with the following development conditions. These development conditions supersede all previous development conditions. Previously approved conditions (from SE 95-L-011) are marked with an asterisk (*). New conditions and changes to previous conditions are underlined.

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. 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 Stohlman Building, prepared by Paciulli, Simmons & Associates, LTD. which is dated January 1995 as revised through June 15, 1995, 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. Right-of-way dedication to a minimum of sixty-five (65) feet from the centerline of Richmond Highway shall be dedicated to the Board of Supervisors in fee simple at no cost within sixty (60) days of demand by VDOT or Fairfax County or at time of site plan approval, whichever occurs first.*
5. Office uses may occupy up to 100% of the gross floor area of the existing building. The following uses shall be permitted in the existing building and shall be limited to a maximum combined total of 25% of the gross floor area of the building provided parking is in accordance with Article 11 of the Zoning Ordinance.
 - Accessory uses as permitted by Article 10 of the Zoning Ordinance.
 - Business service and supply service establishments.
 - Colleges, Universities.
 - Eating establishments.
 - Garment cleaning establishments.

- Health Clubs.
 - Personal Service establishments.
 - Private schools of special education.
 - Retail sales establishments; limited to only the ground (1st) floor level of the building; a maximum of 4,600 square feet of gross floor area (GFA) per retail sales establishment and a maximum of 15% of the gross floor area of the building for all retail sales uses.
6. The following uses shall not be allowed on-site: adult video/DVD stores primarily dealing with the sale, rental, or exhibition of adult oriented material; tattoo parlor/piercing establishments; psychic readers/fortune tellers; and "check cashing establishments."
 7. Building height shall be limited to a maximum of 59.5 feet.*
 8. Floor Area Ratio (FAR) for the application property shall be limited to a maximum of 0.58, including basement area based only on the portions of the site zoned C-8.*
 9. All plantings in the required transitional screening yards, interior parking lot landscaping, and peripheral parking lot landscaping shall be maintained in good condition and replaced when necessary as determined by Urban Forest Management, DPWES.*
 10. All lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.*
 11. The seven (7) foot brick wall located in the south, west, and north transitional screening yards shall be maintained in good condition and cleaned of graffiti when necessary, as determined by Fairfax County.*
 12. All signs shall be in conformance with the provisions of Article 12 of the Zoning Ordinance.
 13. Accessible parking spaces shall be specifically designated and shall be located so that persons are not required to cross a vehicle travel aisle to use these.*
 14. There shall be no outside loudspeaker system.*
 15. Supplemental landscaping shall be provided by the applicant throughout the site in location(s) adjacent to existing and/or proposed landscaping, pursuant to the approval of Urban Forest Management, DPWES. The supplemental landscaping shall consist of eight (8) trees of a native, non-invasive species, a minimum of two (2) inches in caliper, and a minimum of six (6) in height at time of planting.

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 Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, twenty four (24) months after the date of approval unless the use has been established as evidenced by the issuance of a Non-RUP for the approved use. 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.