

DEVELOPMENT CONDITIONS

SE 2006-PR-019

January 26, 2007

If it is the intent of the Board of Supervisors to approve SE 2006-PR-019 located at Tax Map 57-1 ((1)) 10 (3957 Pender Drive) for use as a university within the existing office building pursuant to Sect. 5-404 of the Fairfax County Zoning Ordinance, the 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. Other Permitted or Special Permit uses may be allowed on the site without amending this special exception so long as the proposed use is in substantial conformance with the SE Plat and all Zoning Ordinance requirements have been met.
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 As Built Site Plan: Fairfax Executive Park, prepared by Patton, Harris, Rust and Guy, consisting of 1 sheets dated December, 1980 as revised through October 10, 1985, 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. The amount of gross floor area devoted to the university use within the building shall be limited to 7,480 square feet.
5. The maximum daily enrollment shall be limited to 170 students.
6. In no event shall more than 110 students be permitted to attend classes during the day before 6:00 p.m.
7. The maximum number of parking spaces for university employees and faculty members shall be limited to 35.
8. There shall be no dorms or dedicated eating establishments on the portion of the site devoted to university use.
9. Prior to NonRUP, the applicant shall work with Fairfax County Department of Transportation (FCDOT) to develop and implement a Transportation Demand Management (TDM) strategy that serves transportation needs of the students and faculty while reducing the number of vehicular trips to and from the site. This strategy

may include the use of car pools, van pools, preferential parking, public bus service, SmartTrip cards, shuttle bus service, etc. The County shall review the TDM strategy and provide comments back to the Applicant within thirty (30) days upon receipt, or such longer time as may be agreed to by the FCDOT and the Applicant. An annual survey of students and faculty shall be created in cooperation with FCDOT and conducted at the beginning of each fall semester to evaluate the effectiveness of the TDM strategy and to create goals based on the results of the survey, which shall be implemented per FCDOT recommendation.

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 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. 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.