APPLICATION ACCEPTED: August 21, 2006
APPLICATION AMENDED: March 6, 2007
PLANNING COMMISSION: May 24, 2007
BOARD OF SUPERVISORS: June 18, 2007 @ 3:30 pm

County of Fairfax, Virginia

May 9, 2007

STAFF REPORT

**APPLICATION SEA 77-C-190-2
and 2232-Y07-5**

SULLY DISTRICT

APPLICANT:	Fairfax County Water Authority, dba Fairfax Water
ZONING:	R-1
PARCEL:	46-1 ((1)) 6A
ACREAGE:	7.48 acres
PLAN MAP:	Public Facilities
SE CATEGORY:	Category 1; Use 7 -- Water Storage Facility
PROPOSAL:	Approval of an amendment to a previously approved special exception to allow site modifications and the expansion of proposed water storage tanks, on a water storage site with one existing tank (approved for a total of four tanks); construction is proposed to be phased over time Approval of a 2232 review to allow the enlargement of two of four previously approved tanks on the site, from a total storage capacity of 11.3 million gallons to a total storage capacity of 17.8 mg.

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Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

**Excellence * Innovation * Stewardship
Integrity * Teamwork* Public Service**

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission find that the facility proposed under 2232-Y07-5 does satisfy the criteria of location, character and extent as specified in Sect. 15.2-2232 of the Code of Virginia, and is substantially in accord with the provisions of the Comprehensive Plan.

Staff recommends approval of SEA 77-C-190-2, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening requirements in favor of that shown on the SE Plat, and to allow the use of existing vegetation wherever possible.

Staff recommends approval of a modification of fence height to allow a total height of 10.5 feet, as shown on the SE Plat.

It should be noted that it is not the intent of the 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; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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 or TTY 711 (Virginia Relay Center).

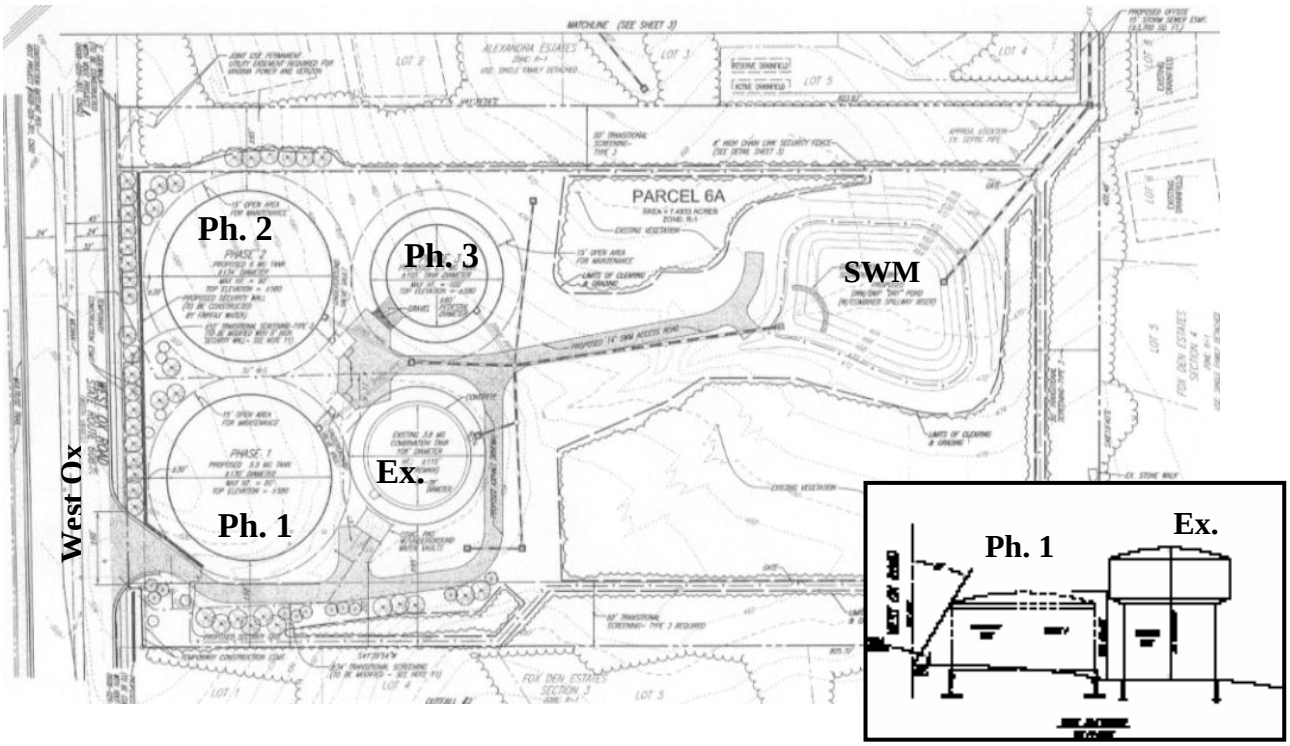
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

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

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant is seeking approval of an amendment to a previously approved special exception and concurrent 2232 review to allow the enlargement of two of four previously approved water storage tanks. This expansion would increase the total storage capacity of the site from 11.3 million gallons to 17.8 million gallons, but the expansion would be phased on an as needed basis. The following graphics and chart show the existing and proposed tank locations and details.



	Capacity	Diameter	**Height** (from ground)	Timing
Existing Tank (Ex.)	3.8 million gallons (mg)	78 feet (base) 108 feet (bulb)	115 feet	existing, no changes
Phase 1 (Ph.1)	5.5 mg	130 feet	80 feet*	now
Phase 2 (Ph.2)	6 mg	134 feet	90 feet*	when needed
Phase 3 (Ph.3)	2.5 mg	80 feet (base) 105 feet (bulb)	100 feet*	when needed

* The tops of the three proposed tanks will all be at the same elevation above sea level (approximately 80 feet above street grade); the variation in height is caused by the drop in the grade of the site to the east.

Waivers & Modifications:

Modification of the transitional screening requirements in favor of that shown on the SE Plat (generally in the western portion of the site), and to allow the use of existing vegetation to the maximum extent feasible (generally in the eastern portion).

Modification of fence height to allow a total height of 10.5 feet, as shown on the SE Plat, to allow an 8 foot wall with 30 inches of "security measures" (spikes) along West Ox Road, and an 8 foot fence with up to 30 inches of barbed wire along the other frontages (interior to 50 feet of screening).

LOCATION AND CHARACTER

Site Description:

The application property is located on the northeast side of West Ox Road, to the north of its intersection with Vale and Waples Mill Roads.

The site is currently developed with a water storage tank that is 115 feet tall (from grade) and holds 3.8 million gallons of water. Access is provided directly from West Ox Road; there are no stormwater management structures on the site, which is primarily wooded.

Surrounding Area Description:

Direction	Use	Zoning	Plan
Northwest	Single Family Detached Residential	R-1	Residential; .1-.2 du/ac
Southeast & Northeast	Single Family Detached Residential	R-1	Residential; .2-.5 du/ac
Southwest	Single Family Detached Residential (across West Ox Rd.)	R-1, R-3	Residential; 1-2 du/ac

BACKGROUND

- **SE - 190** – approved November 7, 1977, (456 review approved by Planning Commission on July 7, 1977) to permit construction of four water tanks (55 feet in height with a capacity of 2.5 million gallons each) and a pumping station (the pumping station was later relocated to Fair Oaks Mall and not constructed on this site). The closest tanks were 75 feet from the front lot line and 95 feet from the side lot line.

- **SEA 77-C-090** – approved April 9, 1984 (456-C84-2 approved by Planning Commission on March 28, 1984) to permit enlargement of one of the four tanks to a 115 foot high structure holding 3.8 million gallons, and relocation of the entrance drive and other site features. The other three tanks were shown as

previously approved. The pumping station was not included in this application. (See Appendix 4)

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Upper Potomac Planning District
Planning Sector:	West Ox Community Planning Sector (UP7)
Plan Map:	Public Facility
Plan Text:	

In the Fairfax County Comprehensive Plan, Area III, 2003 Edition; Upper Potomac Planning District, as amended through July 10, 2006; UP7-West Ox Community Planning Sector, under the heading *Recommendations*, on page 151, the Plan states:

"Public Facilities

1. Provide an additional 2.5-million gallon ground water storage tank at the County Water Authority's Penderwood Water Storage Tanks II site on West Ox Road, near Waples Mill Road."

See Appendix 5 for additional plan text

ANALYSIS

Special Exception (SE) Plat (copy at front of staff report)

Title of SE Plat:	Penderwood Storage Tank Site No. 2
Prepared By:	Rinker Design Associates, P.C.
Date:	January 24 and 25, 2007 as revised through April 19, 2007

Plat Description:

The SE Plat consists of three sheets.

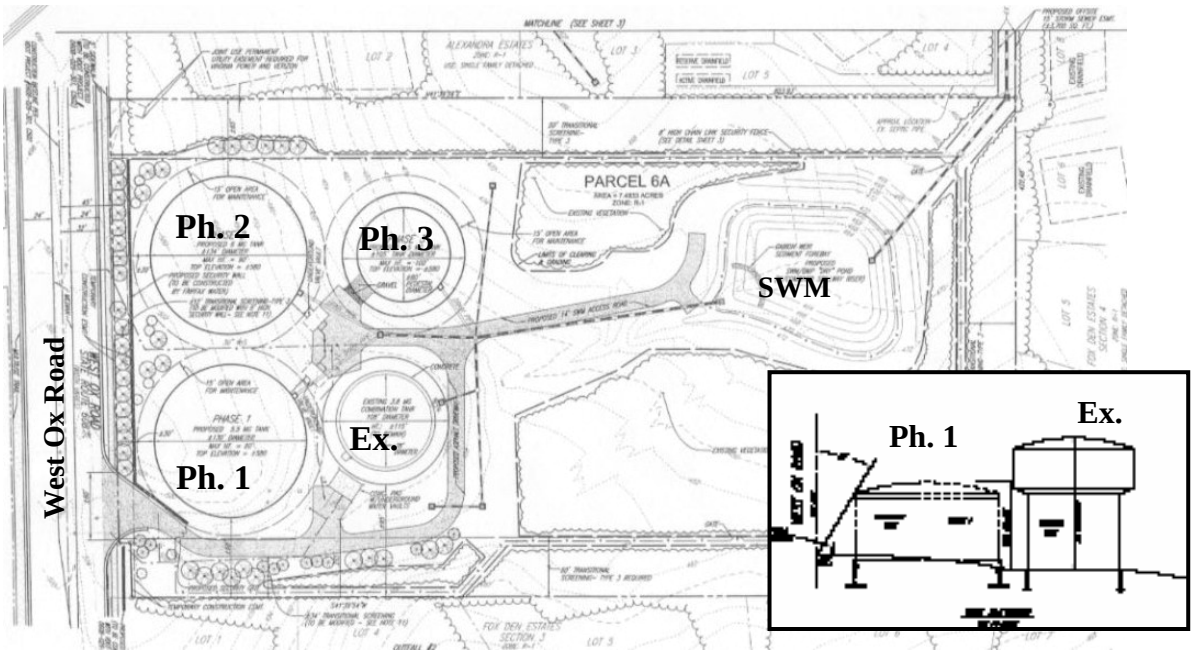
Sheet 1 shows the existing conditions, as well as an existing vegetation map, a tank elevation illustration, and a stormwater management checklist and narrative

Sheet 2 shows the layout of the site, as described below, including proposed landscaping, and includes the SE Plat notes.

Sheet 3 shows the adjacent land area to the north of the site, and includes details of the wall proposed along West Ox Road and the fencing proposed around the rest of the site.

Tanks

The SE Plat shows one existing tank and three proposed tanks, as shown and described below. The four tanks will have a combined capacity of 17.8 million gallons.



	Capacity	Diameter	**Height** (from ground)	Timing
Existing Tank (Ex.)	3.8 million gallons (mg)	78 feet (base) 108 feet (bulb)	115 feet	existing, no changes
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Phase 2 (Ph.2)	6 mg	134 feet	90 feet*	when needed
Phase 3 (Ph.3)	2.5 mg	80 feet (base) 105 feet (bulb)	100 feet*	when needed

The three proposed new tanks will be constructed so the tops of the new tanks will all be at the same level (80 feet tall as measured from the grade at West Ox Road). The existing tank is taller than the proposed tanks, as the upper “bulb” portion of the tank serves a higher pressure zone. The existing tank is a double structure where the “base” is a tank serving the same pressure zone as the three proposed new tanks.

Access to the site will remain in essentially the same location as that which exists currently, but will be rebuilt in conjunction with the current road-widening project on West Ox Road. On the interior, the access road runs along the southern boundary of the proposed Phase 1 tank and the existing tank, crosses behind the existing tank to

give access to the interior of the site, between the proposed tanks, and extends to the east towards the stormwater management pond from the center of the site.

Stormwater management is provided in a dry pond located in the northeast corner of the site, with an outfall pipe to the northeast corner in an existing waterline easement.

The SE Plat shows existing vegetation to be preserved in the interior of the rear portion of the site around the stormwater management pond, and in a 50 foot wide screening strip around the perimeter of the interior (excluding the West Ox Road frontage). A small area for fencing is shown to be cleared just inside the 50 foot screening area. Along the northwestern boundary, 50 feet of screening is shown to be preserved for the full length (except for a small area to be cleared for the construction of the Phase 2 tank, which will be replanted). Along the southeastern boundary near the front of the site (by the tanks), most of the 50 foot screening area will be cleared and replanted (the access road also intrudes into the 50 foot area).

The fencing and barriers proposed on the site include the following: Along the West Ox Road frontage, an 8 foot tall masonry wall with an additional 30 inch anti-climbing system (pointed stakes) on top is proposed. This wall will match the VDOT noise wall being installed on the abutting properties directly to the south as part of the West Ox Road widening project. A small portion of the wall on the south side of the entrance, will actually be constructed by VDOT as a continuation of that noise wall. The remainder of the wall, on the north side of the entrance, will be constructed by the applicant and will not be a noise wall. The barrier wall will be screened by approximately 16 feet of evergreen plantings along West Ox Road (one row of trees). The other three sides of the site will be enclosed by an 8 foot tall black-coated chain link fence with up to 30 inches of barbed wire (three strands) along the top. This chain link fence will be set 50 feet into the site, with the buffer area to consist of existing vegetation to be preserved to the extent feasible between the fence and the property line.

Land Use / 2232 Analysis (Appendix 5)

Va. Code Sec. 15.2-2232, as amended, requires the Planning Commission to determine whether the general location or approximate location, character, and extent of the proposed facility are substantially in accord with the adopted Comprehensive Plan.

Location:

In 1977, the Planning Commission determined under a 456 review that FCWA's proposal to acquire the subject property and construct four water storage tanks and a pumping station on the southwest (front) portion of the site adjacent to West Ox Road, was substantially in accord with the Comprehensive Plan. Following the successful 456 and SE applications, the site was purchased, and in 1984 amendments to the approved SE and 456 were processed under SEA 77-C-190 and 456-C84-2 to enlarge one of the four proposed tanks. One tank (the enlarged tank) was subsequently built in 1986. Under the current application, the location proposed for the three additional

water storage tanks on the southwest portion of the subject property close to West Ox Road is, in staff's opinion, consistent with the location approved by the Planning Commission in 1977. Furthermore, the subject property is owned by a public utility (Fairfax Water), is planned for public utility use, and is developed as a public utility.

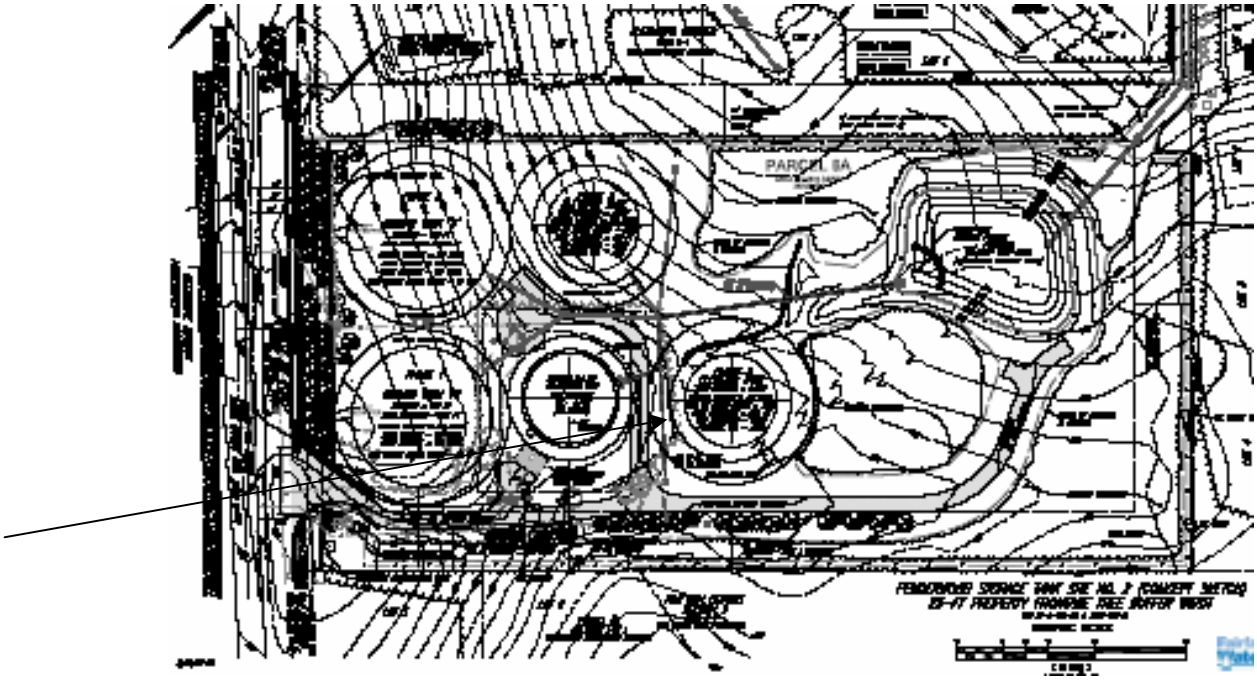
Fairfax Water's system analysis indicates the need for additional storage at the subject site (Penderwood No. 2) is based on Virginia Department of Health regulations for system water storage capacity. The applicant states that the proposed storage tanks at Penderwood No. 2 is centrally located to serve large portions of Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts. As Fairfax Water states, the need for new water storage tanks on the subject site is based on State and internal standards and criteria that seek to maintain accepted levels of service. Staff believes this is in accordance with Plan guidelines. Additionally, staff believes that the location of the proposed facilities conforms with Plan guidelines for siting centrally located public facilities appropriately to the area they are intended to serve.

Character:

The subject property is planned and developed for public utility use, while the surrounding area is planned and developed for residential uses. While a public utility use is not necessarily incompatible near a residential use, staff notes that the proposed storage tanks may have a visual impact on some properties in adjacent residential neighborhoods. Fairfax Water has relocated the security fence along the interior property borders (not along West Ox Road) internal to the site to maximize the buffer of existing trees along those sides, and additional evergreen trees will be planted along the northwest and southeast borders to meet transitional screening and buffering requirements in those areas where clearing will be necessary. Existing trees along the northeast border will be saved to provide a suitable buffer between the proposed SWM/BMP facility and adjacent properties. In staff's opinion, nearby properties to the northwest, northeast, and southeast should be buffered from the proposed tanks and SWM/BMP facility through a combination of distance from the facilities; the presence of existing trees and other vegetation; and the addition of supplementary tree plantings.

A significant portion of the property's West Ox Road frontage was acquired by VDOT for the current road widening project. Thus, a portion of the formerly existing tree buffer adjacent to the road (shown in the 1977 approval) has been removed, such that the proposed tanks will be more visible from properties across West Ox Road. In order to reduce the visibility of the tanks from properties to the southwest across West Ox Road, a new buffer consisting of evergreen trees and an 8-foot tall masonry wall is proposed along the new West Ox Road frontage. At staff's request, the applicant considered an alternative which would replace one of the ground-level tanks near West Ox Road with equivalent storage in the site's interior. However, to achieve the same capacity, two elevated tanks of lesser capacity in the interior would be required to replace the one ground tank along West Ox Road. Staff believes this would have a greater visual impact on properties to the northwest, northeast, and southeast than the current proposal. Another alternative considered was to provide a more substantial buffer along West Ox Road (25 feet v. the current proposal of 16 feet). However, the

resulting reduction in tank size would also require an additional tank to be located behind the existing storage tank to accommodate the same capacity as the current proposal, as shown in the following graphic.



The benefit of a slightly reduced visual impact on properties across West Ox Road from the additional buffer width would not, in staff's opinion, sufficiently offset the increased visual impact that the fifth tank would have on properties to the southeast—properties that should otherwise be sufficiently buffered from the tanks as proposed. Finally, the reduction in tank size would require both ground tanks along West Ox Road to be installed as Phase 1, rather than the current proposal to construct one tank as Phase 1, with the second tank not to be constructed until a later date. While staff would prefer to see additional screening provided along West Ox Road, the combination of the site's topography and the location of the existing tank create a situation where the additional screening would have limited positive impacts on the West Ox Road frontage but relatively large visual impacts to the rear and impacts to the phasing plan (requiring two tanks in Phase 1). Staff has proposed a condition that would limit the amount of clearing and grading with each phase to that necessary to construct only that phase.

The applicant states that the subject proposal is a response to several recent threats to water utility service continuity which resulted from natural disasters, electrical grid failure, local outages, unanticipated equipment failures, and damage to water facilities. To serve the Fairfax County community, Fairfax Water has undertaken a capital program to mitigate these threats. Among these efforts is the addition of water storage at locations that best serve the water system. As noted above, the applicant has stated that the proposed facility will be centrally located to serve a large portion of western Fairfax County. Staff recognizes that the proposed storage tanks will have a visible presence in the community. However, in evaluating the proposal's overall visual impact on surrounding areas in terms of the applicant's stated need for a water

storage facility at this site and the extent of vegetation on the site, and within the limitations imposed by the facility's engineering requirements, staff believes that the applicant has proposed reasonable measures to mitigate the facility's impacts on surrounding areas. In staff's opinion, the proposed facility—which will benefit a substantial portion of Fairfax County—is supported by Plan guidelines for locating critical-to-the-public-interest public facilities.

The applicant further states that the existing tank's visible presence on the site since 1986 has advertised the intended use of this site for the surrounding community, and further that the rezoning across West Ox Road included proffer commitments to notify purchasers that the site would be expanded from the single tank that exists today. The applicant states that it will preserve as much existing vegetation as possible for screening and buffering, and that the tanks will be painted a non-obtrusive green color to reduce their visual impact. Staff believes that the proposal is consistent with Plan guidance to group, design, and screen storage tanks to harmonize with the surrounding development.

Extent:

The applicant states that the proposal's primary goal is to provide a continuous supply of safe, potable water to the customers of this public utility under almost any circumstances, which staff believes supports Plan goals aimed at providing convenient service to the greatest number of people and service consumers. In addition, construction of the proposed water storage tanks at the proposed location will provide improved water pressure that will have beneficial impacts for fire fighting in western Fairfax County.

The Comprehensive Plan recommends construction of a 2.5 MG ground water storage tank on the subject property. While the proposed 5.5 MG Phase 1 tank is larger than the recommended tank size, the proposal is nonetheless consistent with the Plan's recommended use of the property as a site for water storage tanks. Finally, although construction of the proposed tanks will not be directly funded by Fairfax County, construction of the Phase 1 tank is included in Fairfax Water's Capital Improvement Program, which is included in the County's Capital Improvement Program. Thus staff believes that the proposal is consistent with Plan guidelines for the establishment of facilities through the County's Capital Improvement Program.

2232: Conclusion / Recommendation

Staff concludes that the proposal by Fairfax Water to construct three additional water storage tanks and support facilities at the Penderwood Water Tank Storage Site No. 2, located at 3663 West Ox Road, satisfies the criteria of location, character, and extent as specified in Va. Code Sec. 15.2-2232, and therefore recommends that the Planning Commission find the subject Application 2232-Y07-5, as amended, substantially in accord with provisions of the adopted Comprehensive Plan.

Transportation Analysis (Appendix 6)

It is estimated that two weekly maintenance visits will be made to the site. No transportation issues are raised by the application.

Environmental Analysis (Appendix 7)

The increased number of tanks on the site, and concurrent additional on-site access road will increase the impervious surface. The applicant has shown a stormwater management dry pond to control runoff, with BMP requirements met by the pond as well as by undisturbed open space areas. In response to the staff's request to maximize tree save areas where possible, the applicant has relocated the security fence to the interior of the 50 foot buffer along most of the site's circumference and increased the tree save area along the northwestern boundary of the site.

Cultural Resources Analysis – Fairfax County Park Authority (Appendix 8)

The Park Authority has indicated that a disturbance assessment would be appropriate on the site to determine if historical or archeological resources are likely to be found, and, if deemed appropriate, archeological survey work (Phase I, II or III) should be performed. Staff has proposed a development condition to that effect.

ZONING ORDINANCE PROVISIONS

The proposed water storage facility is a Category 1 Special Exception within the R-1 Zoning District. Under the provisions of Section 9-104, Category 1 Special Exception uses are not required to comply with the lot size requirements or the bulk regulations. A site plan will be required in conformance with Article 17.

Waivers and Modifications

- *Modification of the transitional screening requirements in favor of that shown on the SE Plat (in generally the western portion of the site), and to allow the use of existing vegetation (in generally the eastern portion).*

Category 1 special exceptions are required to provide a 50 foot wide transitional screening yard and a barrier D, E or F (chain link or wood fence or masonry wall). The applicant proposes to provide an eight foot tall black-coated chain link fence with two and a half feet of barbed wire on top on three sides, and an eight foot high masonry wall with two and a half foot spikes on top along the West Ox Road frontage (total height of ten and a half feet). The majority of the site shows a 50 foot transitional screening yard composed of existing vegetation; the West Ox Road frontage shows a 16 foot wide screening yard on the outside of the masonry wall (with an additional 15 feet of clear area inside the fence). Par. 3 of Sect. 13-304 of the Zoning Ordinance allows for the reduction of a transitional screening yard by 2/3 if a masonry wall is provided (as along the West Ox Road frontage). Staff does not object to the requested modifications.

- *Modification of fence height to allow a total height of 10.5 feet, as shown on the SE Plat*

The Zoning Ordinance would permit by-right an eight foot high fence or wall on this site. The SE Plat shows an 8 foot wall with an additional 30 inches of "security measures" (spikes) along West Ox Road, and an 8 foot black-coated chain link fence with an additional 30 inches of barbed wire along the other frontages (interior to 50 feet of screening). Paragraph 3H of Section 10-104 of the Zoning Ordinance allows the Board to approve, as part of the SE, an increase in fence and/or wall height, within certain parameters. Sub-paragraph (1) requires that the applicant shown the "height, location, color and materials of the proposed fence [or] wall…" The SE Plat shows the location of the proposed fence and wall, and also includes elevations of each with materials detailed. In addition, the applicant has made a commitment to match the wall to the VDOT noise wall being constructed immediately to the south; this commitment has been reiterated in the conditions. Sub-paragraph (2) requires the Board to find that "the proposed fence [or] wall … is in character with the existing development on the site, is harmonious with the surrounding development, and will not adversely impact the use and/or enjoyment of any nearby property." The chain-link fence (with barbed wire) will be coated in black and located behind 50 feet of existing vegetation, and will therefore blend into the vegetation when viewed from the surrounding properties. The wall, as noted, will be constructed to be visually coherent with the adjacent noise wall, and will not directly abut any adjacent properties. It is staff's opinion that the proposed fence and wall meet the standards of this paragraph.

Special Exception Requirements (Appendix 9)

General Special Exception Standards (Sect. 9-006)

General Standards 1 and 2 require that the proposed use be in harmony with the adopted Comprehensive Plan and be in harmony with the general purpose and intent of the applicable zoning district regulations. As previously stated, the proposal is in harmony with the Comprehensive Plan for use and intensity. Category 1 Special Exceptions are not required to comply with the bulk regulations, but will be subject to site plan review. Therefore, staff believes these conditions have been met.

General Standards 3 and 4 require that the proposed use will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan, and that pedestrian and vehicular traffic associated with the use will not create hazards or conflict with the existing and anticipated traffic in the neighborhood. As noted in the 2232 review, staff believes that the proposal has adequately addressed screening from the adjacent properties. There will be no pedestrian traffic associated with the use, and vehicular access to the site will be minimal. Therefore, staff believes these conditions have been met.

General Standards 5, 6, 7 and 8 require that landscaping, screening, open space, adequate utility, drainage, signage, parking and loading spaces be regulated in accordance with the Zoning Ordinance; however, the Board of Supervisors may

impose more strict requirements for a given use than those set forth in the Ordinance. The only requested modification is for transitional screening, to allow a reduction in screening width along the West Ox Road frontage in exchange for providing a masonry wall, and to allow the use of existing vegetation in the screening barrier along the majority of the site. Staff believes these conditions have been met.

Standards for all Category 1 Uses (Sect. 9-104)

Standard 1 states that Category 1 special exception uses do not have to comply with the lot size requirements or the bulk regulations.

Standard 2 requires that the site not be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility. No such uses are proposed, and staff has proposed a development condition to that effect.

Standard 3 requires that, in an R-District, there be a finding of no alternative site in a C or I District within 500 feet of the proposed location. No land is zoned to a C or I District within 500 feet of the application property.

Standard 4 requires that such uses be subject to site plan review.

Summary of Zoning Ordinance Requirements

In staff's opinion, the application addresses the applicable Zoning Ordinance standards.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The applicant proposes to allow three additional water storage tanks on a site which is developed with one such tank, and has been intended for four water storage tanks since 1977. While additional screening would be desirable along the West Ox Road frontage of the site, staff believes that the applicant has shown that the minimal improvement provided to this frontage by additional screening does not compensate for the additional impacts to the properties to the north, east, and south, the additional cost for a 5th water tank, and the need to construct both tanks along West Ox Road with Phase 1. Staff believes that the proposal is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends that the Planning Commission find that the facility proposed under 2232-Y07-5 does satisfy the criteria of location, character and extent as

specified in Sect. 15.2-2232 of the Code of Virginia, and is substantially in accord with the provisions of the Comprehensive Plan.

Staff recommends approval of SEA 77-C-190-2, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening requirements in favor of that shown on the SE Plat, and to allow the use of existing vegetation wherever possible.

Staff recommends approval of a modification of fence height to allow a total height of 10.5 feet, as shown on the SE Plat.

It should be noted that it is not the intent of Staff to recommend that the Board of Supervisors, in adopting any conditions proffered by the owner, 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. Prior Approval: SEA 77-C-190-1
5. 2232 analysis and Comprehensive Plan Citation
6. Transportation Analysis
7. Environmental Analysis
8. Park Authority (Cultural Resources) Analysis
9. Applicable Zoning Ordinance Provisions
10. Glossary of Terms

DEVELOPMENT CONDITIONS

SEA 77-C-190-2

May 9, 2007

If it is the intent of the Board of Supervisors to approve SEA 77-C-190-2 located at 3663 West Ox Road, Tax Map 46-1 ((1)) 6A, to permit site modifications and the expansion of tanks to a previously approved water storage facility pursuant to Section 3-104 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supercede all previous 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 (SE Plat) approved with this application, as qualified by these development conditions. Other by-right or Special Permit uses may be permitted without amendment to this application, so long as such uses are in substantial conformance with this SE Plat.

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 SE Plat entitled “Penderwood Storage Tank Site No. 2” consisting of three sheets, prepared by Rinker Design Associates, P.C., dated January 24 and 25, 2007 as revised through April 19, 2007. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. The proposed wall and plantings along West Ox Road shall be installed prior to the issuance of a Non-residential Use Permit (Non-RUP) for Phase 1; the evergreens along West Ox Road shall be a minimum of 8 feet in height at the time of planting.

5. The proposed barrier wall along West Ox Road (both north and south of the entrance) shall be constructed as shown on the SE Plat, with a maximum height inclusive of “anti-climbing device” of 10.5 feet; no barbed wire shall be installed on the wall. The colors and materials of that portion north of the entrance shall match those used on the VDOT noise wall constructed south of the entrance. as determined by DPWES.

6. The proposed fencing (on all sides other than the West Ox Road frontage) shall be constructed of materials as shown on the SE Plat. The maximum height of the fence, inclusive of the barbed wire or other anti-climbing device shall be 10.5 feet.

7. The limits of clearing and grading for each phase shall be limited to that necessary for construction of that phase only; the limits of clearing and grading shown on the SE Plat shall be strictly adhered to.

8. The proposed tanks shall be painted a non-obtrusive green.

9. The application property shall not be used for the storage of materials or equipment, the repair or servicing of vehicles or equipment, or the parking of vehicles except those in use by employees working at the site.

10. A disturbance assessment shall be done on the application property to determine if additional archaeological survey work is warranted, as approved by the Cultural Resources Management and Protection Section of the Fairfax County Park Authority (CRMPS). If additional work is warranted, as deemed by CRMPS, a tight interval (30 foot interval) Phase I archaeological survey shall be conducted on any areas to be disturbed, using a scope of work provided by CRMPS. If determined to be warranted by CRMPS from the Phase I survey, Phase II assessment and, if appropriate, Phase III data recovery shall be performed in accordance with scopes provided by CRMPS. Any Phase III scopes shall provide for public interpretation of the results. Draft and final reports (including any cultural resource studies, field notes, photographs and artifacts) produced as a result of the disturbance assessment, and Phase I, II and/or III studies shall be submitted to CRMPS for review and approval within 30 days of completion. No ground disturbing activities shall occur until such studies have been completed and approved.

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, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. The construction of the tanks on the site may be phased, with the use deemed to be established with Phase 1. 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.