

DEVELOPMENT CONDITIONS
As approved by Board of Supervisors

SEA 77-C-190-2

June 18, 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.
11. All directly adjacent residents and homeowners' associations shall be notified in writing a minimum of two weeks prior to the commencement of construction for the Phase I, II, and III tanks, and shall be provided with contact information for a Fairfax Water representative for construction related concerns.
12. All directly adjacent residents and homeowners' associations shall be notified in writing at least two weeks prior to the commencement of painting (and maintenance associated with such painting) operations for any tank, and shall be provided with contact information for a Fairfax Water representative for painting/maintenance related concerns. This shall not apply to emergency or routine maintenance not associated with painting.
13. No construction shall occur on Sundays unless construction is at least one week behind schedule. If Sunday work is necessary, it shall be limited to between the hours of 10:00 a.m. and 5:00 p.m., and Fairfax Water shall provide prior written approval to its contractor for each individual instance, as well as written notice in advance to all directly adjacent residents and homeowners' associations. This shall not apply to emergency or routine maintenance not associated with painting.

14. Painting of tanks (and maintenance associated with painting), after initial installation, shall occur only between the hours of 8 am to 6 pm, Monday through Friday. Such painting and maintenance may occur on Saturdays between the hours of 10 am to 5 pm, if work is at least one week behind schedule, and written notice is provided in advance to all directly adjacent residents and homeowners' associations. This shall not apply to emergency or routine maintenance not associated with painting.

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.