

**DEVELOPMENT CONDITIONS**

SEA 99-P-008

August 29, 2007

If it is the intent of the Board of Supervisors to approve SEA 99-P-008 located at 3020 Gallows Road (Tax Map 49-4 ((1)) 14) for an alternate use of a public facility to permit off-street parking of motor vehicles for a commercial use in an R District, pursuant to Sect. 9-311 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which shall supersede all previously approved development conditions. Previously approved development conditions which are carried forward are marked with an asterisk.

The following development conditions pertain solely to the portion of the application depicted on the SE Plat described in condition number three (3) as "Special Exception Plat Amendment-Luther Jackson Intermediate School", prepared by Urban Engineering and Associates and dated May 10, 1999, and generally located in the northeast portion of the site.

- \*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 by-right, special permit and/or special exception uses may be permitted on the Application Property by the School Board without the approval of a Special Exception Amendment provided that such uses do not affect this Special Exception.
- \*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 "Special Exception Plat Amendment-Luther Jackson Intermediate School", prepared by Urban Engineering and Associates and dated May 10, 1999, 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. Westerra Merrifield L.L.C., owner and operator of the Gate House Plaza restaurant park, located at Tax Map 49-4 ((1)) 56B, shall be permitted to use the area of the parking lot located in the northeast portion of the school site, abutting Gallows Road and containing approximately 75 parking spaces as shown on the special exception plat. Vehicular access to this area shall be via the entrance drive on Gallows Road and pedestrian access to this area shall be via the public sidewalk along Gallows Road. There shall be no charge made for the use of this parcel for parking purposes.

4. Vehicular access to this parking lot shall be via the entrance drive off of Eskridge Road and the "Southern Service Alley" and pedestrian access to this area shall be via sidewalk through the "Theater Mews" or Luther Jackson Middle School. There shall be no charge made for the use of this parcel for parking purposes.
5. This parking area shall be open for use by Fairfax County Public Schools, Fairfax County Park Authority and the Merrifield Town Center, or as conditioned by the Fairfax County School Board in a separate Memorandum of Understanding. This parking area shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted.
6. Lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. There shall be no uplighting on site, including any sign or building. The height of any fixture shall be measured from grade to the top of the fixture.
7. Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance, as may be modified.
8. The parking lot shall be constructed with a paved, dustless surface, and comply with the geometric standards set forth in the PFM, to the satisfaction of DPWES.

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

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced. 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 Amendment. 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.