

## **DEVELOPMENT CONDITIONS**

**SE 2007-MA-019**

**December 14, 2007**

If it is the intent of the Board of Supervisors to approve SE 2007-MA-019 located at Tax Maps 80-2 ((7)) Z1 & Z2 (5533 Backlick Road) for use as service station pursuant to Sect. 9-611 and Sect. 7-607 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.
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 - Springfield Shell", prepared by Land Development Consultants, Inc., consisting of 6 sheets dated January 3, 2007 as revised through September 28, 2007, 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. No outdoor storage or display of goods other than those permitted for sale at a service station shall be allowed.
5. The existing gravel lot on Tax Map 80-2 ((7)) Z2 may be used for employee and overflow parking. No abandoned, wrecked or inoperable vehicles shall be stored outdoors on the property.
6. Existing lighting, including streetlights, security lighting, signage lighting, and pedestrian or other incidental lighting may remain. All new and replacement outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.
7. Right of way sufficient for the future installation of a trail for public use along the entire frontage of Backlick Road and Industrial Road that measures a minimum of 10 feet in width within a 12 foot trail easement shall be dedicated upon demand at no cost to the County in fee simple to the Board of Supervisors and in a form reviewed and approved by the

Fairfax County Attorney's Office. The final location and size of the trail shall be determined by DPWES.

8. Any improvements which encroach within the future trail right of way on Backlick Road and Industrial Road shall be removed at no expense to the County and prior to dedication of the right of way.

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 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.