

## PROPOSED DEVELOPMENT CONDITIONS

SE 2002-HM-014

November 18, 2002

If it is the intent of the Board of Supervisors to approve SE 2002-HM-014 located at Tax Map 29-3 ((20)) 1 (8601 Westwood Center Drive) to permit vehicle sales, rental and ancillary service establishment and drive-in bank pursuant to Sect. 4-704 of the Fairfax County Zoning Ordinance, 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. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
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 Amendment Plat, Parcel 1, Westwood Corporate Center, prepared by Walter L. Phillips, Inc., which is dated June 24, 2002, as revised through August 1, 2002**, 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 number of employees on-site for the vehicle sales establishment at any given time shall not exceed 25.
5. Landscaping shall be provided in substantial conformance with the location, quality and quantity of plantings depicted on the SE Plat. A landscape plan shall be submitted as part of the site plan. This plan shall be coordinated with, and approved by, the Urban Forestry Division, DPWES, and shall contain the landscaping shown on the SE Plat, including streetscape and peripheral and interior parking lot landscaping. All landscaping shall be irrigated and maintained by the applicant.
6. Prior to site plan approval or the issuance of the first Non-RUP in the event site plan approval is not required, funds shall be escrowed for the future implementation of streetscape along the site's Leesburg Pike (Route 7) frontage in accordance with the Comprehensive Plan Route 7 Boulevard Streetscape Design Concept, as illustrated with the attached sketch. The escrow amount shall be determined by the Urban Forestry Division, DPWES, as adjusted yearly based on ten (10)-year trends by the Virginia Highway

Construction Bid Index as published in the Engineering News Record from the date of the special exception approval. The final streetscape design shall be coordinated with the Washington Metro Area Transit Authority (WMATA) when construction of the station begins and shall be installed by the applicant at such time as the final design of the station is completed. If the station and rail transit line is not funded for construction by December 31, 2010, the streetscape shall be designed and installed no later than June 30, 2011.

7. The outdoor area devoted to loading, parking and display of vehicles shall be limited to that area so designated on the Special Exception (SE) Plat, and no vehicles shall be displayed on the site in a manner that will impede the flow of traffic or pedestrian access on-site. No parking shall be permitted along sidewalks, service drives and within landscaped areas. No storage of vehicles shall be permitted on-site except for that area depicted for display of vehicles on the SE Plat.
8. No servicing or repair of vehicles shall occur on-site.
9. All loading and unloading shall be conducted on-site within the loading area depicted on the SE Plat. All trucks loading or unloading vehicles (specifically, 80-foot long car carriers) shall access the loading area via the travel aisle located between Buildings 2 and 3, as depicted on the attached exhibit. No loading or unloading of vehicles shall be permitted within the service drive or on Westwood Center Drive. Subject to the approval of DPWES and DOT, visible signage directing trucks to follow this circulation pattern to access the loading area shall be posted by the applicant. These signs shall be posted at the Westwood Center Drive entrance to the subject site, as well as at the Westwood Center Drive entrance to Buildings 2 and 3 of the Westwood Corporate Center. Signs shall also be posted at all entrances to the site and along the service drive and Westwood Center Drive which state that no loading or unloading is permitted within the service drive or on Westwood Center Drive. In addition, it shall be demonstrated to the satisfaction of DOT through certified mail return receipts that the manufacturer and/or all delivery companies have been notified of the location for deliveries and the appropriate circulation pattern as well as the prohibition for loading and unloading in the service drive and on Westwood Center Drive. Finally, a designee of the vehicle sales establishment shall be available at all times to direct trucks to the loading area. **After the foregoing measures have been implemented, if it is determined by the Zoning Administrator, in its reasonable judgement, that the said measures are ineffective in preventing the loading and unloading of trucks carrying vehicles on the Route 7 service drive in front of the subject property or on Westwood Center Drive, then the applicant shall cause all trucks loading or unloading vehicles to do so on the property shown on Tax Map 029-33-01-1D or such other location as will avoid loading and unloading of trucks carrying vehicles on public streets as approved by the Zoning Administrator.**
10. Pedestrian access shall be maintained to adjacent properties to the south as

shown on the Special Exception Plat, and the pedestrian walkway shall be maintained into the site from the service drive as shown on the Special Exception Plat.

11. An additional ten (10) feet of right-of-way along Leesburg Pike (Route 7) shall be reserved for future dedication to the Board of Supervisors (BOS) in fee simple upon demand for the purpose of installing Metrorail. Should it be determined by the Fairfax County Department of Transportation that this reservation area is not needed due to a change in alignment, change in station location, or a formal decision that rail will not be constructed in the location of the subject site, then this reservation shall expire.
12. The hours of operation for the vehicle sales establishment shall be 9:00 AM-9:00 PM, Monday through Friday, 9:00 AM-6:00 PM on Saturday, and noon to 5:00 PM on the last Sunday of the month.
13. All lighting shall be designed and located in accordance with the glare standards as set forth in Part 9 of Article 14 of the Zoning Ordinance. All lighting shall feature cutoff shielding and shall be directed downward to minimize off-site glare. The site shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.
14. Signs shall be posted to warn drivers of the one-way travel aisle along the western and southern property lines.
15. All future signs shall meet the requirements of the Sign Control Overlay District at the time of permit issuance. No freestanding signs shall be permitted at the subject site. No buntings, flags, balloons, or other types of decorative materials used for promotional purposes shall be located in such a manner as to be visible from off-site, except as otherwise allowed by the provisions of Article 12 of the Zoning Ordinance.
16. Any dumpster and recycling container located on the exterior of the building shall be located within a gated enclosure that is constructed of brick or architectural block.
17. The canopy fascia of the drive-in bank shall not be illuminated. All lighting under the canopy shall be recessed into the canopy ceiling and shall be directed downward.
18. The hours of operation of the drive through window shall be limited to the hours of 8:00 a.m. to 7:00 p.m. weekdays and 9:00 a.m. to 1:00 p.m. Saturdays.
19. Prior to the issuance of the first Non-Residential Use Permit (Non-RUP), the crosswalk and path to the bus stop along Westwood Center Drive and paved standing area for this bus stop as depicted on the SE Plat shall be installed.

20. **Applicant shall make such repairs to the Route 7 service drive across the frontage of the land shown on Fairfax County Tax Map 029-3-01-1D as is necessary to enable the Virginia Department of Transportation to accept that portion of the Route 7 service drive into the state secondary system for maintenance. Such repairs shall be bonded as part of the site plan for the subject property.**
  
21. **Prior to site plan approval, a contribution of \$13,941.95 shall be made to the Tysons Corner Area Road Fund to be used toward road improvements in the vicinity of the subject property. This contribution shall be adjusted yearly based on ten (10) year trends by the Virginia Highway Construction Bid Index, as published by the Engineering News Record, from the date of the special exception approval.**

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any otherwise applicable ordinances, regulations, or adopted standards. The applicant shall be itself responsible for obtaining the required Non-Residential Use Permits through established procedures, and this Special Exception shall not be valid until all such required Non-RUPs have been obtained.

Pursuant to Sect. 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 or construction has commenced and has been duly prosecuted. The Board of Supervisors may grant additional time to establish the uses 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.