

## **DEVELOPMENT CONDITIONS**

### **SE 2008-SU-026**

February 23, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-SU-026 on Tax Map 44-1((4)) 35 at the northeastern quadrant of the intersection of Lee Road and Stonecroft Boulevard for an increase in building height from 75 feet up to a maximum of 165 feet pursuant to Sect. 9-607 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 amendment 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. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "GDP/ SE Plat Aerospace Corporation, Westfields, Parcel 35", prepared by Burgess and Niple and others with all sheets revised through December 17, 2008. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The height of the tower buildings shall not exceed a maximum height of 165 feet as shown on the GDP/ SE Plat.
5. Ancillary office shall be defined to consist of only satellite office space for tenants whose primary workspace is not located within the cellar space with a maximum of ten percent (10%) of the total cellar space devoted to such use.

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 for one of the proposed office buildings. 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.