

DEVELOPMENT CONDITIONS

SE 2008-DR-037

May 12, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-DR-037 located at 1470 Ingleside Avenue [Tax Map Parcel 30-2 ((7)) (1) 8] for an office use in an existing single-family detached dwelling and waivers of trail requirements, front yard setbacks and other modifications, including a parking reduction, in a Commercial Revitalization District pursuant to Sect. 3-304, 9-515 and 9-622 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 approval is granted to Mark and Lyn McFadden (the "Applicants") and is not transferable, other than to an entity the Applicants solely own or control, without further action of this Board, and is for the location indicated on the Application (as defined below), 1470 Ingleside Avenue, McLean, Virginia (the "Property").
2. This Special Exception is granted only for the purpose(s), structure(s) and or use(s) indicated on the special exception plat prepared by Logan Associates, dated April 30, 2008, as revised through November 11, 2008 (the "SE Plan"), which shall be limited to a non-franchised, satellite real estate office. The Applicants will strictly comply with the purpose and use of the Property shown on the SE Plan and be limited to all provisions of the written Statement of Proposed Use contained within the Application for Special Exception, dated July 11, 2008, as revised November 11, 2008 (the "Application"). The Applicants shall abide by applicable laws and ordinances at all times, including, but not limited to, Fairfax County zoning regulations.
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 general conformance with the approved Special Exception Plat, prepared by Logan Associates and dated April 30, 2008, as revised through November 11, 2008.
4. A copy of the Special Exception and Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property and be made available to all Fairfax County departments during the hours of operation of the permitted use.
5. The Special Exception shall automatically expire five (5) years from the date of approval by Board of Supervisors. At the end of the five (5) year period, if the Applicant wishes to continue using the property as stipulated herein, the Applicant shall apply for a Special Exception Amendment.

6. The Property shall be maintained and kept free of debris and litter at all times. Routine maintenance shall include, but not be limited to, exterior structure and landscaping upkeep.
7. All parking shall be on site and shall be provided as depicted in Exhibit A within 30 days of issuance of the Non-RUP. The expansion of the existing driveway shall only be built with a pervious parking surface such as grasscrete, subject to the review and approval of the Fairfax County Department of Public Works and Environmental Services (DPWES). No additional paved area(s) shall be added to the Property beyond the outlined dimensions of Exhibit A. Parking for the site shall only occur on the driveway, up to three (3) cars maximum.
8. Lighting shall be provided pursuant to existing light fixtures or replacements thereof that are consistent with the style of a residential structure. No additional lighting shall be permitted on the Property except for low-impact lighting for the parking area.
9. The regular hours of operation for the office shall be limited to 10:00 a.m. to 6:00 p.m., Monday through Friday. The property shall not be occupied on a regular basis by more than two (2) employees at any time.
10. One sign no greater than 1.5 square feet of surface area shall be permitted on the Property and shall be residential in design style and character. The sign shall not be lighted.
11. Within forty-five (45) days of issuance of the Non-RUP, a landscape plan shall be submitted to Urban Forestry Management Division (UFMD) of DPWES for review and approval and shall provide for the number, size and species of trees and plantings consistent with that shown on the landscaping plan prepared by Fine Landscapes, Ltd, as shown on Exhibit B, for review and approval. The landscaping shall include Category II evergreen plantings, (PFM 12.19) not less than six (6) feet tall at planting, along the rear (west) property line to screen the adjacent to residential uses. Landscaping and groundcover improvements shall be completed not less than ninety (90) days after approval of the Special Exception, subject to delays caused by inclement weather, as determined by UFMD.
12. The services of a certified arborist or registered consulting arborist shall be retained to evaluate the structure and health of the twenty-four (24) inch diameter American sycamore tree located at the northwest corner of the property and prepare a report for review by the UFMD. If the tree is deemed structurally sound and in good health, a tree preservation plan shall be prepared by a certified arborist or registered consulting arborist subject to review and approval by UFMD, to include recommendations for pruning, fertilization and tree protection recommendations to reduce the impact of any activities that may occur on the site as a result of this Special Exception. The branches overhanging the adjacent properties shall be trimmed by a licensed tree trimming service in accordance with the recommendations of the certified arborist.

13. Exterior improvements shall be made to the property as shown on Exhibit C after the issuance of the Non-RUP. The improvements shall be performed by licensed contractors and shall be completed within six (6) months of approval of the Special Exception, subject to delays caused by inclement weather. All improvements made to the Property shall keep the appearance and style of a residential property.
14. An additional seven (7) feet of right-of-way along Ingleside Avenue shall be dedicated and conveyed in fee simple to the Board of Supervisors upon demand by Fairfax County and upon approval and/or funding of a sidewalk and/or frontage improvements plan for Ingleside Avenue, whichever first occurs.
15. During the term of this Special Exception, the Applicants agree not to pursue commercial redevelopment of the property, or submit a rezoning request for any commercial use, absent approval of the West McLean Citizens Association, McLean Citizens Association and the McLean Planning Committee.

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 the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-RUP. 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.