

PROPOSED DEVELOPMENT CONDITIONS

SE 2008-PR-033

February 23, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-PR-033 located at Tax Map 29-4 ((5)) A1, 29-4 ((5)) B1 part, 29-4 ((5)) C1 part, 29-4 ((5)) D, 29-4 ((5)) E, 30-3 ((28)) B3 part, for an electrically powered regional rail transit facility and uses in a floodplain pursuant to Sect. 9-401 and 9-601 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. A copy of these development conditions shall be included in all relevant plans, as determined by the Virginia Department of General Services (DGS) for this station.
4. Certification from DGS shall be provided to the Fairfax County Department of Transportation and the Department of Planning and Zoning that the project conforms to these special exception conditions prior to the issuance of a Non-Residential Use Permit (Non-RUP). Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance. As noted in the Memorandum of Understanding dated July 19, 2007, if the special exception development conditions are not addressed by DGS during its regulatory role for the Project, then Fairfax County shall be permitted access to all approved plans and shall be permitted to inspect the property facilities to verify that all special exception conditions were satisfactorily implemented by the Project. In such event, a schedule for such inspections shall be coordinated in writing by the Project with the Department of Planning and Zoning, Zoning Evaluation Division.
5. Noise attenuation measures shall be utilized in order to meet Federal criteria and State and Fairfax County Noise Ordinance regulations.
6. Vibration attenuation measures shall be utilized in order to meet WMATA standards and Federal criteria, and State and Fairfax County Zoning Ordinance regulations.

7. Stormwater management plans shall be implemented as determined by the Virginia Department of Conservation and Recreation (DCR) as based on the Memorandum of Understanding dated July 19, 2007 between Fairfax County and the Metropolitan Washington Airports Authority. As noted in the June 14, 2007 letter from the Office of the Governor to the Fairfax County Executive, the stricter of the state or Fairfax County standards shall be applied by the state reviewing authority.
8. Signs shall be regulated by Washington Metropolitan Area Transit Authority (WMATA) standards.
9. Advertising within the station shall be regulated by WMATA standards.
10. Lighting shall be in conformance with WMATA standards and safety practices, and the standards contained in the Fairfax County Zoning Ordinance. The symbolic standard WMATA globe sidewalk lighting shall be allowed along the sidewalks and areas leading to the stations within the boundaries of the Special Exception.
11. Erosion and Sediment control plans shall be implemented as determined by DCR. The stricter of the state or Fairfax County standards shall be applied by the state reviewing body.
12. In order to maximize the survivability of vegetation onsite and to encourage innovative landscaping techniques, development of the landscape plan, including the selection of plantings to be used, shall be coordinated with Urban Forest Management Division of Fairfax County Department of Public Works and Environmental Services (UFMD), and UFMD shall be contacted for input during its development. Upon its completion of a landscape plan, a copy of the landscape plan shall be submitted to the Department of General Services (DGS) and UFMD for comment. Comments from UFMD received by DGS, or their designee, within 15 working days shall be considered for implementation.
13. The project shall satisfy minimum planting area requirements for all proposed planting onsite unless modified and may include the use of soil cells, or other innovative techniques as recommended by UFMD. Planting details illustrating innovative techniques shall be included with landscape plans provided to UFMD for review.
14. The services of a certified arborist shall be secured to determine any possibility for tree preservation at the proposed station. The limits of clearing and grading shall be developed in consultation with the Arborist. A tree preservation plan, prepared by the arborist, shall be provided to UFMD for review. The arborist shall also monitor the site periodically to ensure that the implementation of all tree preservation measures is in conformance with the tree preservation plan.

15. The Tree Preservation Plan shall include the size, species, location, and condition rating of all trees 10 inches in diameter and larger located within 20 feet of the proposed limits of clearing and grading. The type of tree protection fence shall be specified in the plan. The plan shall also include any maintenance activities recommended to increase the survival potential of trees designated for preservation. A monitoring schedule shall also be provided to ensure the necessary oversight during implementation and conformance with the approved plan.
16. The pedestrian bridges shall be a minimum of 16 feet wide from handrail to handrail.
17. Additional pedestrian connections to the station such as pedestrian bridges and walkways may be established subject to the submission of a detailed design proposal to the Department of Planning and Zoning for staff evaluation and Administrative review at the Planning Commission.
18. Designs for significant changes to the architecture, landscaping and integration of the stations to the surrounding communities shall be submitted to the Chairman of the Board of Supervisors and the District Supervisor for review and comment.

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-six (36) months after the date of approval unless the use has been established or construction has commenced on the elevated and/or at grade guideway as applicable. 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.

Planning Commission Meeting
February 18, 2009
Verbatim Excerpt

2232-P08-010 – MWAA AND VDRPT (Tysons East) (Providence District)
SE 2008-PR-033 – MWAA & VDRPT (SW Quadrant of Dolley Madison Blvd. & Colshire Dr.)

After Close of the Public Hearing

Chairman Murphy: Okay. Public hearing is closed; Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman.

Chairman Murphy: One more time.

Commissioner Lawrence: I concur with staff's conclusion that the proposed Tysons East Station satisfies the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, as amended and therefore, MOVE THAT THE PLANNING COMMISSION FIND 2232-P08-010, AS AMENDED, SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor of the motion to approve 2232-P08-010, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I'm going to abstain on this one.

Chairman Murphy: All right.

Commissioner Litzenberger: I'm voting "nay."

Chairman Murphy: Mr. Litzenberger votes "no." Mr. Donahue votes "no."

Commissioner Donahue: Not on the 2232.

Chairman Murphy: Okay. All right. The "no" vote is to Mr. Litzenberger and Mr. Flanagan abstains.

Commissioner Flanagan: Abstain.

Chairman Murphy: Okay. Mr. Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2008-PR-033, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 18, 2009, AS AMENDED THIS EVENING.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: No.

Chairman Murphy: Mr. Donahue votes "no."

Commissioner Litzenberger: No.

Commissioner Flanagan: Abstain.

Chairman Murphy: Mr. Flanagan abstains. Mr. Litzenberger votes "no." Mr. Lawrence.

Commissioner Lawrence: Finally Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG PROPERTY BOUNDARIES OF THIS SITE.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: A moment one more, Mr. Chairman?

Chairman Murphy: Please.

Commissioner Lawrence: If I may, I would like very much to thank all those people who came and testified tonight, however their testimony ran. I wished we could have had a tunnel. This

Commission endorsed a tunnel, you may recall. We don't have a tunnel, we have what we have. I'd like to thank very much staff who have prepared a mountain of work and as Ms. Lin and Mr. Jillson met, that is superb work. Mr. Stevens, I don't know what to say. You - - you have been the point of contact for this whole thing. I - - I thank the applicant as well for providing the supplemental information that we needed to have. Now the ship goes to the Board and we'll see what happens there on Monday, it's a very short turnaround. I hope you all can get the development conditions sorted out by then, I think you can. Thank you very much indeed.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: Yes, just briefly. I also want to thank the Airports Authority, thanks for coming out tonight. I know that this is not a process that you often go through, to say the least. So, but we do appreciate you working with Fairfax County on this. Thank you very much.

Chairman Murphy: Yes. I also echo those remarks and I also like to thank our TV crew, especially the guys that came in early to square away the sound system that went crazy last week. We only had one whistle blow tonight and I got a laugh, so that was okay.

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(The first motion carried by a vote of 8-1-1 with Commissioner Litzenberger opposed; Commissioner Flanagan abstaining; Commissioner Hall absent from the vote; Commissioner Harsel absent from the meeting.)

(The second motion carried by a vote of 7-2-1 with Commissioners Donahue and Litzenberger opposed; Commissioner Flanagan abstaining; Commissioner Hall absent from the vote; Commissioner Harsel absent from the meeting.)

(The third motion carried unanimously with Commissioner Hall absent from the vote; Commissioner Harsel absent from the meeting.)

KAD