

DEVELOPMENT CONDITIONS

SEA 97-V-046

November 18, 2008

If it is the intent of the Board of Supervisors to approve SEA 97-V-046 located at 9102 Richmond Highway and 9128 and 9130 Belvoir Court [Tax Map 109-1 ((1)) 38, 39 & 41] previously approved for a telecommunication facility to permit additional antennas and site modifications, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions (those carried forward from previous approval are marked with an asterisk).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land. Other by-right, Special Permit and Special Exception uses may be permitted on the lot without a Special Exception amendment, if such uses do not affect this Special Exception use. *
2. This Special Exception Amendment 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 conditions. *
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Amendment Plat entitled "Verizon Wireless Mason Neck-American Tower # VA-010051 (Fairfax County, VA) Special Exception Amendment Plat SEA 97-V-046" prepared by Glock Smidt Engineering, Inc. and Morris and Ritchie Associates, Inc. dated November 20, 2006 as revised through August 20, 2008, and these development conditions.
4. The tower structure shall be limited to a height of 149 feet with antennae projecting no more than 5.96 feet higher, for a total maximum height of 154.96 feet, as shown on the Special Exception Amendment Plat. *
5. The tower shall be painted and/or maintained with a non-reflective color chosen to maximize visual integration of the tower with all points above the skyline, as determined by DPWES. *
6. The tower and accessory facilities shall be subject to periodic inspections by DPWES. If any additions, changes, or modifications are to be made to

the tower or to the related facilities, the Director shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modification conforms with all structural and all other requirements of the Virginia Uniform Statewide Building Code (VUSBC). In the event that the results of any monitoring indicate alterations or damage exists to the approved equipment or structures that exceed the extent deemed acceptable by the applicable codes and standards, the applicant shall take immediate actions, as necessary and approved by DPWES, to comply with accepted codes and agreements. Non-compliance with this condition within a time frame established by DPWES may be grounds for termination of the use of the tower as a telecommunication facility, as determined by the Zoning Administrator. *

7. In order to ensure conformance with applicable safety standards, the Fairfax County Department of Information Technology (DIT) shall have the option to conduct monitoring of radiation emissions as may be deemed necessary by DIT. In the event that the results of any monitoring indicate any alterations to the approved equipment or if the radiation levels exceed the amounts deemed appropriate by applicable standards, the applicant shall take immediate action, as necessary and approved by DIT, to comply with accepted standards and agreements and to reduce radiation emissions to meet the applicable standards. Non-compliance with this condition within time frame established by DIT may be grounds for termination of the use of the tower as a telecommunication facility, as determined by the Zoning Administrator. *
8. No signals or lights or illumination shall be permitted on the tower unless required by the Federal Communications Commission (FCC), the Federal Aviation Commission (FAA), or Fairfax County. *
9. There shall be no outdoor storage of materials, equipment, or vehicles within the wireless compound for the telecommunications facility. *
10. No signs shall be permitted on the subject property for the advertisement of the users of the telecommunications facility. No commercial advertising or sign shall be allowed on the antennae, antennae support structures or related equipment cabinet or structure. *
11. The sizes and placement of the antennae on the tower shall be in substantial compliance with the sizes and placements indicated on the Special Exception Amendment Plat. This telecommunication facility shall be limited to a maximum of seven (7) providers and seventy-two (72) antenna, including the six (6) providers shown on the Special Exception Amendment Plat, and one future provider with a maximum of twelve (12) antennae. *

12. Equipment cabinets/buildings/pads shall be limited to the heights and enclosed equipment compound area shown on the Special Exception Amendment Plat. Installation of the equipment cabinets/buildings may occur over time without an amendment to this Special Exception Amendment, as long as the maximums are not exceeded. It is noted that the addition of a seventh provider will require review and approval under 15.1-2232 in the future.*
13. Prior to site plan approval, documentation in the form of the letters of intent or leases shall be supplied to DPWES to verify a minimum of four (4) providers on the tower. Failure to document that a minimum of four (4) providers are accommodated, shall be the grounds for denial of the site plan. There shall be a maximum total of seven providers on the tower. Installation may occur over time without an amendment to this Special Exception, so long as a minimum of four (4) and a maximum of seven (7) providers are maintained as shown on the Special Exception Amendment Plat. *
14. Entrances to the site shall be designed and constructed in accordance with the Virginia Department of Transportation (VDOT) commercial entrance standards. *
15. The tower, related equipment structures and, to the extent reasonably practical, the subterranean support structures for the tower shall be dismantled upon expiration of the applicant's leasehold interest in the subject property. *
16. Should the need arise to alter the telecommunication tower from that shown on the SEA Plat, engineering and structural data shall be submitted to DPWES and the Department of Planning and Zoning (DPZ) affirming that said alterations conform to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code and are in substantial conformance with the SEA Plat.
17. Prior to the issuance of the Non-Residential Use Permit (Non-RUP), landscaping as generally shown on the SEA Plat shall be installed. All landscaping shall be irrigated and maintained in good health by the applicant. If necessary, existing vegetation that does not meet the tree cover definition and /or requirements can be removed and replaced with evergreen trees, 6 feet in height. Evergreen trees shall be a minimum of one (1) inch in caliper and preferably include leyland cypress, loblolly pine, eastern red cedar but may also include rocky mount juniper and white pine.
18. At the time of site plan review, the outfall narrative shall be provided for the review and approval of DPWES. At the time of site plan review, a waiver of the stormwater management/best management practices

(SWM/BMP) requirements shall be requested. If the requested waiver is not granted, the required SWM/BMP may be located within the application property, provided that such facility is determined by the County to be in substantial conformance with the SEA Plat.

19. Any component(s) of the telecommunication facility shall be removed within one hundred and twenty (120) days after such component(s) are no longer in use.
20. The site shall be kept free from litter, junk and debris (i.e. appliances, furniture, automobile parts, landscaping equipment, etc.)

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.

The approval of this SEA does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment 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. *

Replacement of the nine (9) antennas and the permanent installation of the twelve (12) antennas shall constitute the establishment of this Special Exception Amendment. The Board of Supervisors may grant additional time to establish the use or commence the construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception Amendment. 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.