

## DEVELOPMENT CONDITIONS

SE 2009-BR-003

July 9, 2009

If it is the intent of the Board of Supervisors to approve SE 2009-BR-003 located at 7611 Little River Turnpike, Tax Map 70-2 ((1)) 10 for a College use within Suite 600, consisting of approximately 9,815 square feet, pursuant to Sect. 4-304 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. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
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 (As-Built) entitled "The Heritage Center Phase I" prepared by LBA Limited and dated December 1987, as revised through January 27, 1988, 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. 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.
5. The hours of operation for the College shall not exceed 7:00 a.m. to 11:00 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on weekends.
6. A maximum of ninety students and twelve employees shall be on-site at any one time during the hours of operation.
7. All existing vegetation on the property is to be maintained in good condition and replaced as necessary.
8. Prior to the issuance of a Non-Residential Use Permit (Non-Rup), the applicant shall provide a parking tabulation sheet to the County reflecting updated parking space totals and the usage of Suite 600 as a college; if the Director of DPWES determines that adequate parking has not been provided, enrollment shall be reduced accordingly.
9. All signage shall be in conformance with Article 12 of the Zoning Ordinance.

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 issuance of a Non-Residential Use Permit (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.