DEVELOPMENT CONDITIONS

SEA 85-S-109-02

June 23, 2009

If it is the intent of the Board of Supervisors to approve SEA 85-S-109-02, located at 9640 Burke Lake Road (Tax Map 78-3 ((1)) 12A) for use as a medical facility pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions; these conditions shall supersede previous development conditions. Conditions that are substantively the same and have been carried forward from the previous approval are marked with an asterisk (*).

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. 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 entitled Burke Health and Rehabilitation Center, prepared by Christopher Consultants and dated April 7, 2008 as revised through May 13, 2009, 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 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 Environmental Quality Corridor (EQC) as shown on the Special Exception Amendment Plat shall be preserved in an undisturbed, natural state, except that the developer shall have the right to construct and provide for utilities, siltation and erosion devices, trash and debris removal, stormwater detention facilities, a trail, and other activity if determined necessary by the County. Where disturbance of the EQC is unavoidable as determined by the Fairfax County Department of Public Works and Environmental Services (DPWES) for the above activities, a tree preservation and limits of clearing plan shall be submitted to and approved by the Urban Forest Management Division (UFMD) prior to any such disturbance. Disturbed vegetation shall be replanted with indigenous vegetation to the maximum extent possible, as determined by UFMD prior to issuance of the Non-Residential Use Permit (Non-RUP) for the medical care facility.*

6. All required ADA accessible parking spaces will be located adjacent to the building such that no travel aisles will have to be crossed to access the facility.*

7. Alternative access to the building shall be provided so that service vehicles can access the facility without using the main entrance as determined by DPWES.*

8. In order to preserve as much of the site's existing vegetation as possible, landscaping and screening shall be provided in accordance with that shown on the SEA Plat. This screening shall fulfill the intent of Article 13 of the Zoning Ordinance between the medical care facility, the uses across Burke Center Parkway, and the residential uses on Lot 17A. The existing vegetation shall be supplemented as necessary to screen the adjacent residential uses from the medical care facility, as determined by DPWES. A barrier consistent with the Zoning Ordinance requirements shall be placed along the southern boundary of the site and along that portion of the eastern boundary which abuts Lot 17A.*

9. All existing vegetation west of the easternmost EQC boundary shall remain undisturbed except as permitted in these conditions. No barriers shall be constructed west of the easternmost EQC boundary that bisects the site. Any recreation facilities in this area shall be approved by UFMD and the Department of Planning and Zoning (DPZ) prior to site plan approval.*

10. Prior to the issuance of a Non-RUP for the building addition and subject to approval by Fairfax County Department of Transportation (FCDOT) and VDOT, for the bus stop location identified as stop number 01573 on the Fairfax County Bus Stop Inventory Program, the applicant shall install a concrete loading pad (between curb and sidewalk), a bus shelter pad, and any necessary pedestrian connections and curb cuts. The applicant shall also provide an easement for the shelter, with notice that advertising may be displayed on bus shelters constructed by others upon the subject locations.

11. Four sheltered bike racks shall be provided on the site.

12. Foundation landscaping around the building addition shall be provided.

13. Outdoor seating (2 benches) shall be provided in the area of the proposed building addition.

14. Irrespective of that shown on the plan, handicap parking shall conform to ADA guidelines.

15. A copy of the recorded shared parking agreement between the Burke Retirement Center Property (Tax Map number 78-3 ((1)) 13A and the applicant shall be submitted with the Site Plan for review and approval by DPWES.

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. 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.