**DEVELOPMENT CONDITIONS**

**SE 2008-BR-029**

**May 12, 2009**

If it is the intent of the Board of Supervisors to approve SE 2008-BR-029 located at 6221 Rolling Road, Tax Map 79-3 ((8)) 5A3, to permit a service station and quick service food store pursuant to Section 7-607 of the Fairfax County Zoning Ordinance, 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 (SE Plat) approved with this 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 SE Plat entitled "7-Eleven" consisting of four sheets; Sheets 1-3 prepared by Huron Consulting, and dated November 2007, as revised through November 2008; Sheet 4 prepared by URS and dated May 2005. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. The Applicant shall utilize similar building materials and architectural design features for all building facades and accessory structures in order to ensure a consistent architectural theme and character on the application property. All brick and block shall be of a compatible color and style. The proposed building shall be constructed with a light grey hipped roof with standing seam metal sheathing. The architectural design, building materials, and color of the building and accessory structures shall be substantially similar to that shown in the SE Plat.

5. All exterior lighting, including signage, canopy lighting, security, pedestrian and/or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

6. All on-site signage shall conform to the provisions of Article 12 of the Zoning Ordinance. A maximum of two signs on the canopy, with a maximum size of approximately three feet by three feet each, may be illuminated, one facing Rolling Road and one facing Traford Lane.

7. No pole signs shall be permitted.

8. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on site. No promotional signage shall be permitted on any light poles.; This shall not preclude the display of seasonal decorations and displays in accordance with Sect. 12-103 of the Zoning Ordinance.

9. A landscape plan shall be submitted to DPWES, at the time of site plan submission. The landscape plan shall not permit any plantings that will obstruct adequate sight distance at each entrance to the site. The landscape plan shall be subject to review and approval by Urban Forest Management. Supplemental landscaping shall be provided throughout the site, as determined by Urban Forest Management (UFM), in order to improve the aesthetics of the site.

10. Additional trees and understory shrubs, of a woodland nature and species, shall be installed within and adjacent to the tree preservation area shown on Sheet 3 of the SE Plat. Approximately twelve (12) shade tolerant shrubs and approximately nine (9) trees shall be provided and positioned within and adjacent to the tree preservation area, as determined by Urban Forest Management.

11. All trees shown to be preserved on the SE Plat shall be protected by tree protection fencing. Tree protection fencing shall be in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas.

12. At the time of site plan approval, the applicant shall submit documentation from any affected easement holder that all proposed trees and shrubs located within their easement(s) are allowed. All proposed landscaping that is not allowed within the easement areas shall be relocated to other locations on-site as determined by UFM, DPWES. In no case shall the total number of on-site shrubs and trees be less than what is depicted on the SE Plat or less than that required by the provisions of Article 13 of the Zoning Ordinance.

13. A Phase I Environmental investigation of the property shall be submitted to DPWES for review prior to site plan approval. DPWES may request other Fairfax County or State agencies to evaluate the report findings. The investigation shall be performed consistent with the procedures described by the American Society of Testing and Materials (ASTM), as determined by DPWES. If warranted by the results of the Phase I investigation, and if determined appropriate by DPWES and the State Water Control Board, a Phase II investigation program shall be pursued. Subject to the findings of a Phase II evaluation program, if soil contaminants are found in sufficient quantities and at such levels to require a longer term monitoring program, a remedial action program

and corrective action plan shall be instituted to the satisfaction of the State Water Control Board prior to site plan approval.

14. At the time of site plan approval, or on demand (whichever occurs first) approximately 195 square feet right-of-way as shown on the SE Plat at the intersection of Rolling Road and Traford Lane, shall be dedicated to the Board of Supervisors in fee simple at no cost.

15. A public inter-parcel access easement shall be recorded in a form approved by the Fairfax County Attorney's Office to Tax Map 79-3 ((08)) 5A2, and over the travel lane area, located to the west and south of the proposed fuel pumps, to the Traford Lane entrance. The easement shall be recorded among the Fairfax County land records at the time of site plan approval.

16. A contribution in the amount of $10,000 shall be provided to the County, at the time of site plan approval, in order to improve pedestrian access in the vicinity of the subject property, as determined by the Fairfax County Department of Transportation (FCDOT).

17. There shall be no outdoor storage or display of goods offered for sale.

18. No vehicular repairs shall occur on the property.

19. No abandoned, wrecked, or inoperable vehicles shall be stored on the property.

20. The site shall be patrolled daily by the service station employees to pick up any trash on site and to ensure that all doors to all accessory structures (e.g., the equipment, dumpster, and cart storage areas) are fully closed and in good working condition.

21. Two "inverted U style" bicycle racks (or the equivalent, as determined by FCDOT) shall be installed in a location and manner to be coordinated with and approved by FCDOT.

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, at a minimum, 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.