

## FINAL DEVELOPMENT CONDITIONS

SEA 89-L-080

December 1, 2009

If it is the intent of the Board of Supervisors to approve SEA 89-L-080 located at 6400 Backlick Rd (Tax Map 80-4 ((1)) 9B) to permit a service station/quick service food store and deletion of service bays, pursuant to Sections 4-604, 7-607, 9-610 and 9-622 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous development conditions for the subject property. Previously approved conditions or those slightly modified 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.
- \*2. This Special Exception Amendment is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.
- \*3. A copy of this Special Exception Amendment and the Non-Residential Use Permit shall be posted in a conspicuous space on the property of the use and be made available to all departments of Fairfax County during the hours of operation of the permitted use.
- \*4. This Special Exception Amendment 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 Amendment shall be in substantial conformance with the approved Special Exception Plat entitled "Proposed Sunoco Special Exception Amendment Plat" prepared by Bergmann Associates, consisting of 12 sheets dated July 14, 2008 as revised through September 21, 2009, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
- \*5. The maximum number of employees shall be limited to four (4) per shift.
6. A landscape plan shall be submitted concurrent with site plan review and shall provide for the number and sizes of trees and plantings consistent

with that shown on the SEA plat and shall be subject to the review and approval of Urban Forest Management Division (UFMD), DPWES.

7. Supplemental planting shall be provided within the area to be seeded as approved by UFM.
8. All individual trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage during construction activities. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading, and shall be shown on the demolition and phase I and II erosion and sediment control sheets.
9. Unless waived or modified by DPWES, SWM/BMPs shall be provided on site in accordance with Public Facilities Manual (PFM) requirements. Easements along the rock swales and the storm drains on the property shall be dedicated prior to site plan approval. An accessway between the paved area and the embankment shall be indicated on the site plan.
10. Architectural elevations shall be in substantial conformance with those shown on the Special Exception Amendment Plat as determined by the Zoning Administrator.
11. Existing lighting, including streetlights, canopy lighting, security, pedestrian, and/or other incidental lighting, may remain. All new and replacement lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance. The applicant shall demonstrate that the canopy's maintained lighting level is limited to thirty (30) Footcandles (Fc) and provided internally or through down-lighting prior to site plan approval.
12. A contribution of \$4,300 shall be contributed by the applicant to the Springfield Transportation Fund for providing offsite transportation improvements in the Springfield CRD, at the time of site plan approval. The contribution shall escalate on a yearly basis from the base year of 2009 and change effective each January 1 thereafter, based on changes in the Consumer Price Index for all urban consumers (not seasonally adjusted) ("CPI-U"), both as permitted by Virginia State Code Section 15.2-2303.3.
13. Appropriate directional signage along Backlick Road shall be installed adjacent to the subject site for possible use by bicyclists. The signage and location of said signage shall be subject to the review and approval of Fairfax County Department of Transportation (FC DOT).
14. Trash dumpsters shall be screened out of public view with wood, masonry or other opaque enclosures.

15. Off-street parking for the service station and quick-service food store uses shall be provided on-site in accordance with Article 11 of the Zoning Ordinance.
16. Abandoned, wrecked, or inoperable vehicles shall not be stored outdoors for a period exceeding seventy-two (72) hours.
17. The brick sidewalk along all street frontages of the application property and the brick crosswalks at the entrances to the application property shall be maintained by the applicant.
18. All signage shall meet the requirements of Article 12 of the Zoning Ordinance. Should the existing pole sign be replaced, it shall be replaced with a ground-mounted sign only. Signs shall be provided to designate parking spaces for employees and low emission vehicles.
19. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on site. No promotional signage shall be permitted on any poles. However, this shall not preclude the display of seasonal banners, including advertisement of local community events.
20. The service station shall consist of a maximum of six (6) pump islands as shown on the SEA Plat.
21. To ensure protection of groundwater quality, all existing and future underground storage tanks on the site shall be maintained or installed in accordance with federal, state, and local regulations as may be determined by the State Water Quality Control Board, DPWES, and the Fire and Rescue Department.
22. Registration with the United States Green Building Council (USGBC) shall be completed by the applicant and LEED (Leadership in Energy and Environmental Design) certification shall be applied for by the applicant.
23. A LEED®-accredited professional shall be included as a member of the design team. This professional will also be a professional engineer or architect licensed to practice in the Commonwealth of Virginia. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovative technologies into the project so that the project will attain LEED certification. At the time of site plan submission, documentation shall be provided by the applicant to the Environment and Development Review Branch of the Department of Planning and Zoning (DPZ) demonstrating compliance with the commitment to engage such a professional.

24. Prior to approval of the site plan for this building , a separate agreement shall be provided for this building, a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the PFM, in the amount of \$33,000. This escrow shall be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U. S. Green Building Council, under the most current version of the U.S. Green Building Council 's Leadership in Energy and Environmental Design-New Construction (LEED ®-NC) rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ of documentation from the U .S. Green Building Council that the building has attained LEED certification shall be sufficient to satisfy this commitment. The provision to the Environment and Development Review Branch of DPZ, within one year of issuance of the Non-Residential Use Permit (Non-RUP) for the building, of documentation from the U.S. Green Building Council that the building has attained LEED certification shall be sufficient to satisfy this commitment.
25. At such time as the entrance to Backlick Road for Parcel 9C is closed, a public ingress-egress access easement shall be provided between Parcel 80-4 ((1)) 9B and Parcel 9C. The ingress-egress access easement shall be shown on the initial and all subsequent site plans and shall cross Parcel 9B, run along the bordering property line with Parcel 9C and provide adequate two-way access to Bland Street subject to FCDOT's approval.
26. Prior to issuance of the Non-Residential Use Permit, a "No Left Turn Between 3:00 PM - 6:00 PM, Monday through Friday" sign shall be installed along Bland Street on the subject property in a conspicuous location outside the ROW. All signage shall be placed in a location which does not conflict with sight distance requirements.
27. A contribution of \$2,000 shall be contributed by the applicant to the "TAGS" transit system at the time of site plan approval. The contribution shall escalate on a yearly basis from the base year of 2009 and change effective each January 1 thereafter, based on changes in the Consumer Price Index for all urban consumers (not seasonally adjusted) ("CPI-U"), both as permitted by Virginia State Code Section 15.2-2303.3.

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 Amendment shall not be valid until this has been accomplished.

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. 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 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.