DEVELOPMENT CONDITIONS

SE 2009-SP-019

December 10, 2009

If it is the intent of the Board of Supervisors to approve SE 2009-SP-019 located at 56-4 ((1)) 20A to permit the construction of a telecommunication facility and associated equipment pursuant to 3-C04 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.

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 'Boulevard Estates – Mattie Moore Ct. NOVEC," prepared by Entrex Communication Services Inc., and dated June 19, 2009, as revised through October 30, 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. The telecommunication facility shall be limited as follows:

   a. The monopole tower is a total of 125 feet in height with a 4 foot high lightning rod extension (129 feet at the top of the lighting rod).

   b. The equipment compound located at the base of the monopole shall be limited to a maximum of 2,500 square feet as depicted on the SE Plat. An eight foot high, board on board fence shall completely enclose the compound area.

   c. The equipment compound area may include equipment shelters, cabinets, electrical panels, telephone panels and other improvements necessary and/or required for the operation of the telecommunication facility. Equipment shelter/cabinets shall have a maximum height of twelve (12) feet and shall be located within the 2,500 square foot equipment compound as shown on the SE Plat.

   d. All antennas and their supporting mounts shall be of a material or color that closely matches and blends with the monopole.

   e. There shall be no outdoor storage of materials, equipment, or vehicles within the equipment compound of the telecommunication facility.

5. This facility shall be operated as an unstaffed facility 24 hours a day with the exception of periodic maintenance inspections and repairs by each of the companies with installations on the monopole tower. Access to the site shall be restricted to routine maintenance visits and emergency situations.

6. Necessary steps and actions shall be taken to ensure the long-term survival, and continuing structural integrity and health of trees designated on the approved site/minor site plan to be preserved. However, if construction practices on the subject property and/or changes to the environment brought about by these construction activities result in the death, decline, damage, or hazardous condition (as determined by UFM at or prior to the final release of the project bond) of trees to be preserved, the Applicant shall:

   a. provide for the removal of above ground portions of the trees,
   b. provide for the restoration of any understory plant and soil conditions damaged during their removal (as determined by UFM),
   c. provide for the restoration of the associated loss in canopy coverage and transitional screening in accordance with the Public Facilities Manual and the Zoning Ordinance.

   The site/minor site plan shall clearly identify these areas as shown on the Special Exception/2232.

   As part of the (site/minor site plan) management practices for the protection of understory plant materials, leaf litter and soil conditions found in areas to be left undisturbed shall be provided, subject to the approval of the Urban Forest Management Division. The site shall be actively monitored to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. Understory plant materials, leaf litter and soil conditions shall be restored to the satisfaction of UFM if these are found to be damaged, removed or altered in manner not allowed in writing by the Urban Forest Management Division.

   If it becomes necessary to install utilities determined necessary by DPWES within areas to be left undisturbed, they shall be located and installed in the least disruptive manner possible as determined by UFM in coordination with the Environmental and Site Review Division, DPWES. In addition, a replanting plan for the portions of protected areas disturbed for utility installation shall be developed and implemented, taking into account planting restrictions imposed by utility easement agreements.

   Any work occurring in or adjacent to the areas to be left undisturbed, such as installation of tree protection fencing and silt control devices, removal of trash, or plant debris, or extraction of trees designated to be removed shall be performed in a manner that minimizes damage to any tree, shrub, herbaceous, or vine plant species that grows in the lower canopy environment; and minimizes impacts to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation, all as approved by UFM. The use of power equipment in these areas shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger motorized equipment such as, but not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by UFM.

All tree preservation areas and all areas designated to be left undisturbed shall be protected by tree protection fencing consisting of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart (see attached detail). Notwithstanding, limits of clearing shown on the plan, tree protection fencing shall be erected at the existing tree line in coordination with Fairfax County Urban Forest Management Division staff and shall be shown on the Phase I and II erosion and sediment control sheets.

Signs shall be provided that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted at 30-foot intervals along the limits of clearing and grading, and attached to the tree protection fencing. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to left undisturbed.

All tree protection fencing shall be installed prior to Phase II clearing and grading activities. The installation of all tree protection fencing shall be accomplished in a manner that does not harm existing vegetation that is required to be preserved. At least three days prior to the commencement of any clearing, grading, or demolition activities and prior to the installation of tree protection fencing, UFM and the District Supervisor shall be notified in writing and given the opportunity to inspect the site to assure that all individual trees to be preserved and all areas to be left undisturbed have been correctly delineated. UFM shall provide written notice to the applicant as to whether or not the areas have been delineated correctly. If it is determined by UFM that the areas are not delineated correctly, no grading or construction activities shall occur on the subject property until the delineation is corrected and field verified by UFM.

7. No signals or lights or illumination shall be permitted on the tower unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or Fairfax County. A steady red marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for flight safety of police and emergency helicopters.

8. Should the need arise to alter the monopole from that shown on the SE Plat, the applicant shall submit engineering and structural data 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 SE Plat.

9. No signs shall be permitted on the subject property for the advertisement of the users of the telecommunication facility. No commercial advertising or signs shall be allowed on antennas, antenna support structures or related equipment cabinets or structures.

10. Any component(s) of the telecommunication facility shall be removed within 120 days after such component(s) are no longer in use.

11. Prior to the issuance of a Non-Residential Use Permit (Non-Rup), all debris and trash located on the application property shall be removed.

12. An eight foot high chain link fence shall be installed inside the interior of the board on board fence as shown on the SE plat. The subject chain link fence shall enclose all proposed and future equipment to be installed in the equipment compound.

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.