

## DEVELOPMENT CONDITIONS

SE 2008-LE-028

April 28, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-LE-028 located at 7800 Backlick Road (Tax Map 99-1 ((1)) 22 & 23A and 99-1 ((5)) 3 & 4) to permit hotel use and increase in building height above the 120 feet within the C-4 District pursuant to Sect. 9-607 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 supersede all previous conditions for the subject property.

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 Generalized Development Plan/Special Exception Plat entitled "Patriot Ridge", prepared by Urban, Ltd. and dated July 2008 as revised through April 3, 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 maximum height of the buildings on the site shall not exceed that shown on the GDP/SE Plat.
5. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
6. All signage shall be provided in accordance with Article 12 of the Zoning Ordinance.
7. Stormwater Management and Best Management Practices (SWM/BMPs) shall be provided in accordance with the Public Facilities Manual (PFM) as indicated on the GDP/SE Plat, subject to the approval of DPWES. If on-site SWM/BMP facilities are required as determined by DPWES and such facilities cannot be provided in substantial conformance with that shown on the GDP/SE Plat, a special exception amendment will be required.
8. Federal Aviation Administration (FAA) approval for the height of the buildings shown on the GDP/SE Plat shall be obtained as required prior to site plan approval. If FAA approval is not received, then the height of the buildings shall be lowered to that approved by the FAA.

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 Permits 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 of either Building I, II, or III shown on the GDP/SE Plat 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.