

DEVELOPMENT CONDITIONS

SEA 82-C-116

July 27, 2010

If it is the intent of the Board of Supervisors to approve SEA 82-C-116 located at Tax Map 27-2 ((1)) 13 to amend SE 82-C-116 previously approved for an electric substation, transformer, and distribution center partially within a floodplain pursuant to Sect. 03-0E04 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions shall supersede previous development conditions for the area subject to this application. Conditions which are substantively the same and which have been carried forward from the previous application are indicated 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 for only the purpose(s) and/or use(s) indicated on the special exception plat approved with this application, as qualified by these development conditions which supersede all previous special exception conditions.*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in conformance with the approved Special Exception Amendment plat entitled "Verizon Wireless Lawyers Road Site," prepared by BC Architects, dated April 10, 2008 as revised through May 25, 2010, consisting of six sheets, and these conditions.
4. Right-of-way up to thirty (30) feet from the centerline of Hunter Mill Road along the entire Hunter Mill Road frontage of the site shall be dedicated to the Board of Supervisors, in fee simple, at the time of site plan approval or within sixty days upon demand by DPWES or VDOT, whichever occurs first. Density credit for such dedication shall be retained by the site.*
5. The applicant shall submit an invasive vegetation removal plan and landscape plan for review and approval by DPWES, Urban Forest Management Division, and the Stormwater Management Division for the removal and control of invasive vegetation in the area between the access road to the existing equipment shed and the W&OD Trail/Gravel Horse Path. Invasive vegetation shall be replaced with a 50-ft. landscape buffer of appropriate screening, including trees and shrubs, to meet the requirements of Transitional Screening 3. The proposed landscape plan shall be submitted and approved prior to the issuance of a Non-RUP. The proposed plan shall also be approved by Dominion

Virginia Power, in whose transmission line easement the required screening yard is located.

6. If a stormwater management detention waiver is not granted by DPWES, the applicant shall provide stormwater management to the satisfaction of DPWES in substantial conformance with the SEA Plat.
7. Signage on the property shall be in conformance with Article 12 of the Zoning Ordinance.
8. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., in the floodplain.
9. The applicant shall submit a FEMA Floodproofing Certificate prior to the issuance of a Non-RUP.
10. A hold harmless agreement will be provided by the applicant/owner prior to any plan or permit approval. *
11. Activity on the property shall be in conformance with the Development Conditions associated with the RPA Encroachment Exception # 5234-WRPA-002-1, as outlined in Attachment A.

As added in the motion by Supervisor Hudgins:

12. The applicant shall use its best efforts to coordinate with the owners of the residential lots know as tax map numbers 27-2((4)) 23 and 24 to install supplemental evergreen plantings on said lots, in an amount not to exceed \$500 per lot. After installation, the Applicant shall have no further obligation for the maintenance, care, or replacement of said supplemental landscaping. In the event that at the time of minor site plan review, the owners of said lots have not worked in good faith with the Applicant to establish the desired evergreen plantings, this development condition shall be considered met and the applicant shall be able to obtain a Non-RUP for this use.

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 as evidenced by the issuance of a new Non-Residential Use Permit (Non-RUP). The Board of Supervisors may grant additional time to establish the use 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.