



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

July 28, 2010

**CORRECTED
Application Number**

Frank W. Stearns
Donohue and Stearns, PLC
801 North Fairfax Street, Suite 209
Alexandria, VA 22314

Re: Special Exception Amendment Application SEA 82-C-116

Dear Mr. Stearns:

At a regular meeting of the Board of Supervisors held on July 27, 2010, the Board approved Special Exception Amendment Application SEA 82-C-116 in the name of Cellco Partnership D/B/Z Verizon Wireless. The subject property is located at 1977 Hunter Mill Road on approximately 10.34 acres of land zoned R-E in the Hunter Mill District [Tax Map 27-2 ((1)) 13]. The Board's action amends Special Exception Application SE 82-C-116, previously approved for an electric substation, transformer, distribution center and uses in a floodplain to permit addition of a telecommunication facility pursuant to Section 3-E04 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals 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 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.*

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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.

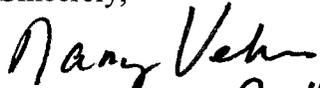
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established 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.

The Board also:

- Approved RPA Encroachment Exception Number 5234-WRPA-002-1, subject to the development conditions dated July 27, 2010.

Sincerely,


Nancy Vehrs *ps # for*

Clerk to the Board of Supervisors

NV/ph

Enclosure

Cc: Chairman Sharon Bulova

Supervisor Catherine Hudgins, Hunter Mill District

Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration

Regina Coyle, Director, Zoning Evaluation Division, DPZ

Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning

Angela K. Rodeheaver, Section Chief, Transportation, Planning Division

Ken Williams, Plans & Document Control, ESRD, DPWES

Department of Highways-VDOT

Sandy Stallman, Park Planning Branch Manager, FCPA

Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division

District Planning Commissioner

Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

DEVELOPMENT CONDITIONS

5234-WRPA-002-1

July 27, 2010

If it is the intent of the Board of Supervisors to approve Resource Protection Area (RPA) Encroachment Exception #5234-WRPA-002-1 for the property located at 1977 Hunter Mill Road (Tax Map #027-2-01-0013) to allow encroachment in the RPA pursuant to Section 118-6-9 of the Fairfax County Chesapeake Bay Preservation Ordinance (CBPO), staff recommends that the Board condition the approval by requiring conformance with the following conditions:

1. This RPA Encroachment Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This RPA Encroachment Exception is granted only for the purposes, structures or uses indicated on the plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the approved plat entitled *Water Quality Impact Assessment Map - Mitigation Plan - Lawyers Cell Site* prepared by Williamsburg Environmental Group, Inc., dated March 29, 2010, and these conditions.
4. In order that the land disturbed within the RPA can be considered to be the minimum necessary to afford relief for the proposed construction, indigenous vegetation shall be preserved to the maximum extent possible, the limits of clearing and grading must be clearly shown on any development plan, and adequate access and areas for stockpiles must be included. Any development plan will be subject to approval by the Department of Public Works and Environmental Services (DPWES). The limits of clearing and grading must be strictly observed and enforced. Any encroachment into, and/or disturbance of, the RPA not shown on the approved plan will be considered a violation of the CBPO and is subject to the penalties of CBPO Article 9.
5. Buffer areas of 4995 square feet and 1661 square feet as depicted on the approved plat entitled *Water Quality Impact Assessment Map - Mitigation Plan -- Lawyers Cell Site* shall be revegetated generally consistent with the specification in CBPO Section 118-3-3(f). These areas shall be protected by a Water Quality Management Area.
6. A Floodplain and Storm Drainage Easement shall be dedicated on this parcel and shall include all the area within the 100-year floodplain.

7. The maintenance access driveway shall be maintained in accordance with its Maintenance Agreement recorded by Deed in the Land Records of Fairfax County, Virginia, in Deed Book 5540 at Page 1414.
8. The maintenance access road shall not exceed its current area of 5550 square feet.
9. The applicant shall remove trash and debris from the RPA on this property.
10. Remove the 5.5' x 2.5' concrete pad at the base of the platform stairs which will be removed when the platform is raised.