

DEVELOPMENT CONDITIONS

SE 2010-MA-028

May 19, 2011

If it is the intent of the Board of Supervisors to approve SE 2010-MA-028 located at Tax Map 80-2 ((1)) 32 to permit a regional non-rail transit facility, that includes vehicular parking and rail inventory storage on existing parking lot in the I-2, I-6, R-2, R-3 and H-C Districts pursuant to Sect. 3-204, 3-304, 5-204 and 5-604 of the Fairfax County Zoning Ordinance, 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 "WMATA Industrial Road Site Metro Access and TSSM Storage Yard Special Exception Plat," prepared by WMATA Department of Operations Services and Engineering Support Services and sealed on February 22, 2011 (Sheet 1 dated September 2010 as revised through February 2011, Sheets 2 and 3 dated March 2011 as revised through April 2011, and Sheet 4 dated February 2011 as revised through April 2011) 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. Landscaping shall be provided as shown on Sheet 4 of the SE Plat. The ash trees identified in Note 10 on Sheet 4 of the SE Plat shall be replaced with different species that may include tulip poplars, sycamore, or white, red or pin oaks subject to the review and approval by Urban Forest Management (UFM).
5. Right-of-way shown on the SE Plat along Industrial Road for the East West Trail shall be dedicated to the Board of Supervisors, in fee simple, upon request by DPWES, FCDOT or VDOT. Frontage improvements shall be constructed per the SE plat, to VDOT standards, unless waived.
6. Right-of-way shown on the SE Plat along Backlick Run for the stream valley trail shall be dedicated to the Board of Supervisors, in fee simple, upon request by DPWES or FCDOT the final location of the trail shall be approved by, and shall be field located with the Fairfax County Park Authority.
7. Signage shall meet the requirements of Article 12 of the Zoning Ordinance.

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 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 of 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.

