

**Development Conditions for
SEA 2005-LE-028**

Piney Run Elm Investments LC

June 11, 2015

If it is the intent of the Board of Supervisors to approve Special Exception Amendment SEA 2005-LE-028 located at 7906,7908, 7912, and 7836 Telegraph Road [Tax Map No. 100-1 ((1)) 9B pt., 19, 20, 23A, 24, and 25] for an independent living residential development under Sect. 3-104 and a waiver of minimum lot size requirements pursuant to Sect. 9-501 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions. Those conditions carried forward from the previous approval 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 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 Elm Street Development Piney Run, prepared by Dewberry Consultants, LLC and dated March 5, 2014 as revised through May 15, 2015, 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. Sidewalks lining the private streets that terminate at the open space shall be extended as trails that connect to the trail system proposed within the open space unless such extensions cannot be accommodated due to abrupt changes in grade between the streets and the open space.
5. All on-street parking spaces shall comply with minimum Public Facility Manual (PFM) dimensions. Compliance with this provision shall be verified at site plan review.
6. The minimum dimensions of all individual garage and front load driveway parking spaces shall comply with the minimum dimensions contained in Table 7.7 of Sect. 7-0802.2 Universal Size Car Spaces of the PFM for a 90-degree angle, head-in parking space. Compliance with this provision shall be verified

at site plan and/or building permit review.

7. The existing pedestrian bridge over Tributary A that is to be retained shall be repaired to provide a safe walking environment to the satisfaction of DPWES prior to the issuance of the first Residential Use Permit (RUP).
8. The site plan(s) for the independent living development shall comply with the conditions of approval of Water Quality Impact Assessment Request #7239-WQ-002-1 and Resource Protection Area Encroachment Exception Request #7239-WRPA-004-1.

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.