

PROPOSED DEVELOPMENT CONDITIONS

SEA 80-P-135-04

October 13, 2004

If it is the intent of the Board of Supervisors to approve a partial amendment of SE 80-P-135-03 located at 3009 Gallows Road (Tax Maps 49-4 ((1)) 17A) previously approved for use of a fast food restaurant with a drive through, mini-warehouse facility, increase in land area and increase in FAR, to permit building modifications for the fast food restaurant with a drive through, staff recommends that the Board condition the approval by requiring conformance with the following development conditions which supercede all previous conditions for this portion of the site. Those conditions carried forward from the previously approved special exception are marked with an asterisk. (Minor edits have been made to conform with current terminology. These edits have been underlined.)

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 "Public Storage and McDonald's", prepared by Bohler Engineering and dated May 26, 2004 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. A copy of this Special Exception SHALL BE POSTED in a conspicuous place on the property along with the Non-Residential Use Permits of the uses and shall be made available to all Departments of the County of Fairfax during hours of operation of the permitted uses.*
5. Landscaping, in substantial conformance with the location, quality, quantity and design as depicted on Sheet 2 of the Special Exception Plat shall be installed on each lot, as shown on the Special Exception Plat, as determined by the Urban Forester, prior to issuance of the Non-RUP. Sufficient funds to complete landscaping on the entire site and within the right-of-way shall be bonded prior to the issuance of the associated lots Non-RUP, subject to DPWES approval. In the event that Gallows Road is scheduled to be widened within two years of the date of site plan approval, landscaping improvements within the right-of-way, and within those areas that may be necessary for temporary construction

easements, may be bonded at the time of site plan approval subject to DPWES approval, and installed within one planting season after construction of the road is completed, as determined by VDOT, and as qualified above.

At planting, the minimum size caliper of deciduous trees shall be 2.5 inches; evergreen/coniferous trees shall be 6-7 feet in height and additional vegetation shall be provided within the planting strips, including ornamental shrubs, ground cover, flowering plants and grasses, as determined by the Urban Forestry Division. The landscaping shall be maintained including the landscaping located in the public right-of-way adjacent to Gallows Road. Any dead, dying or diseased vegetation shall be promptly replaced.*

6. The eight foot wide sidewalk along the each lot's frontage on Gallows Road shall be constructed prior to issuance of associated lots Non-RUP, subject to DPWES approval. Sufficient funds to complete the sidewalk along the frontage shall be bonded prior to the issuance of the Non-RUP, subject to DPWES approval. Brick pavers shall be provided between the sidewalk along Gallows Road and the northern entrance. In the event that Gallows Road is scheduled to be widened within two years of the date of site plan approval, sidewalks within the right-of-way, and within those areas that may be necessary for temporary construction easements, may be bonded at the time of site plan approval subject to DPWES approval, and constructed within one year after construction of the road is completed, as determined by VDOT, and as qualified above.*
7. Site amenities shall be installed in the "pocket park" in substantial conformance with the location and quantity depicted on the Special Exception Plat prior to issuance of the Non-RUP, as determined by DPWES. Trash receptacles shall be located in the proximity of the pocket park. Damaged amenities shall be promptly repaired or replaced by the applicants. Evergreen shrubs shall be planted along the western and southern portions of the pocket park to form a hedge to prevent trash from blowing onto adjacent properties, as determined by the Urban Forester.*
8. The architecture of all four sides of the buildings shall be in substantial conformance with the elevations provided of Sheets 3 of the Special Exception Plat in terms of style, color and materials. The insulated glass for the fast food restaurant and aluminum and insulated glass for the tower entrance of the mini-warehouse facility (Tax Map 49-4 ((1)) 21A) shall be substantially similar in terms of tint and appearance, as determined by DPWES. Glass used for façade purposes and insulated glass shall be substantially similar in terms of tint, as determined by DPWES.
9. Public access easement shall be placed over all on-site travel lanes and recorded in the land records prior to site plan approval. The public access easement shall provide public access on the site for Tax Map 49-4 ((1)) 15B