

## PROPOSED DEVELOPMENT CONDITIONS

SE 2003-SP-041

June 7, 2004

If it is the intent of the Board of Supervisors to approve SE 2003-SP-041 located in the northwest quadrant of the intersection of Burke Road and Burke Lake Road, Tax Map 78-1 ((1)) 27E and 37B, for a fast food restaurant, fill in the floodplain, and waivers of minimum lot size, pursuant to Sect. 4-604, 2-904, and 9-610 of the Fairfax County Zoning Ordinance, the 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 "Cox Communications, New STC Facility Southwest Hub" prepared by Rinker-Detwiler & Associates, P.C., consisting of two sheets dated August 20, 2002, as revised through May 19, 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. Modifications to the use, intensity, layout, building, parking, and open space on Parcel 78-1 ((1)) 27E may be allowed without a Special Exception Amendment, so long as such modifications are in conformance with the Zoning Ordinance and do not alter the dimensions of the Parcel or the access.

### **Conditions applying to Parcel 78-1 ((1)) 37B only (*Fast Food Restaurant*):**

4. Hours of operation shall not exceed: 6:00 am to 10:00 pm.
5. The building shall be constructed with brick facing or stucco on all sides. The colors of the masonry, stucco and roof shall be the same as those found in the surrounding commercial development, as demonstrated at the time of building permit issuance.
6. All lighting shall comply with Article 14. Parking lot lights shall be no more than 14 feet in height.
7. If not already completed, the applicant shall cause the County's original floodplain maps to be revised to reflect proposed conditions, as required by DPWES prior to site plan approval; the applicant's engineer shall certify this information.

8. As shown on the SE Plat. access to the property, interparcel access, and the internal circulation network shall be oriented with that of the shopping center to the north [Tax Map Parcel 78-1 ((1)) 37], so that vehicles can circulate between the two sites easily and in a coordinated manner.
9. There shall be no more than one freestanding sign on the property.
10. Hedges, a minimum of 36 inches in height at maturity, shall be planted within the landscape areas along Burke Road to reduce glare from vehicle headlights in the parking lot, as determined feasible by the Urban Forestry Division.
11. The applicants/operators shall be responsible for the daily collection of trash and litter found on the site, on Burke Road to its intersection with Burke Lake Road, on that portion of the Pohick Stream Valley Park located immediately south and west of the site, and for the placement of any collected trash in a dumpster located on the application property.
12. Parapet walls or other screening mechanisms as may be approved by DPWES shall be provided on the roof of the fast food restaurant to screen roof top equipment, including heating, air conditioning, ventilation, and other such mechanical equipment, from off-site view.
13. The applicant/operators shall execute a security plan for crowd control and after hours loitering, which plan shall be developed in coordination with the Springfield District Supervisor's Office, and the adjacent homeowners' association(s). Any adjustments to the initial plan must be approved by the association(s). The initial plan shall include the following provisions:
  - a) Security personnel shall be off-duty police only
  - b) Between May 15<sup>th</sup> and September 15<sup>th</sup> security personnel shall be employed seven days per week between the hours of 7:00 pm and 11:00 pm; during the balance of the year, security personnel shall be employed on Fridays and Saturdays, between 7:00 pm and 11:00 pm.
  - c) Security shall monitor the premises with attention to the fast food restaurant site, the shopping center parking area, and the parkland located south and west of the site
  - d) Security personnel shall be instructed to monitor the site to ensure order is maintained and loitering prohibited at all times. This shall be coordinated, as necessary, with the Fairfax County Police. The applicant/operators shall provide to the police any necessary documentation allowing access to the property to maintain order.
14. Employee parking spaces shall be designated on-site, and employees shall be instructed to park only in the designated spaces.
15. There shall be no advertising signage and promotional displays (including banners, flags, inflated balloons or figures) displayed on the roof of the fast food restaurant.

16. The applicant/operator shall not allow the discharge of air contaminants generated by the fast food restaurant or its solid waste which would cause objectionable odors to nearby residences, and shall employ but shall not be limited to the following control measures:
  - a) All putrescible material as defined by the Fairfax County Code Section 109-1-1 shall be stored in sealed containers and shall be disposed in a container reserved exclusively for use by the fast food restaurant. Such putrescible material shall not be shredded or unsealed.
  - b) All putrescible material shall be removed by a commercial refuse hauler from the subject property each day, Monday through Saturday. Said trash removal shall be confined to the hours of 9:00 am to 6:00 pm.
17. All construction vehicles shall park on-site and shall not obstruct access to and from or the functioning of the adjacent shopping center and its parking lot.
18. Prior to approval of a grading plan, it shall be demonstrated to DPWES that the proposed construction, including fill, when combined with all other existing, anticipated, and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, calculated in conformance with the provisions of the Public Facilities Manual.
19. Stormwater Management and Best Management Practices shall be provided as required by DPWES.
20. The conditions for CBE #026438 shall be implemented as a condition of this special exception.
21. No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site by the owner/applicant or at the owner/applicant's direction. Furthermore, the owner/applicant shall direct its agents and employees to adhere to this condition.

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 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, at a minimum, 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.

**PROPOSED CONDITIONS**

**CBE #026438**

**May 12, 2004**

If it is the intent of the Board of Supervisors to approve CBE #026438, staff recommends that the Board condition the approval by requiring conformance with the following conditions:

1. Super silt fencing shall be installed along the edges of all disturbed areas adjacent to floodplain or RPA prior to the commencement of construction.
2. Prior to grading plan approval, a Letter of Map Revision from the Federal Emergency Management Agency (FEMA) shall be documented, and all proposed fill in the floodplain shall be approved and authorized by FEMA.