

PROPOSED DEVELOPMENT CONDITIONS

SE 00-H-016

July 11, 2000

If it is the intent of the Board of Supervisors to approve SE 00-H-016 located at Tax Map 16-3 ((1)) part of 15B for use as a fast food restaurant and fast food restaurant with a drive through pursuant to Sect. 9-505 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. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
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 "Fast Food with Drive Thru Batman Co. Inc./Village Center at Dulles", prepared by Tri-Tek Engineering and dated December 30, 1999 and revised through May 18, 2000, 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 along with the Non-Residential Use Permit on the property of each use and be made available to all Departments of the County of Fairfax during hours of operation of the permitted uses.
5. The hours of operation shall be limited to the following: The 3,500 square foot fast food restaurant without a drive through is limited to seven days a week from 11:00 am to 11 PM; the 1,800 square foot fast food restaurant with a drive through is limited to 6AM through 11 PM, seven days a week.
6. The maximum number of seats shall be limited to one hundred and thirty (130) for the entire 5,300 square foot building containing both fast food restaurants.
7. Except for on-site directional signs and a menu board for the drive-through, no freestanding identification sign shall be permitted for the site. Building mounted signs shall be limited to those permitted by Article 12. No flags or banners shall be displayed on the building, except that an American Flag mounted on a flag pole may be permitted.

8. The applicant shall provide landscaping along Fox Mill Road in substantial conformance with the special exception plat. The existing landscaping shall be supplemented with evergreen shrubs (18"-24" minimum) along the northern property boundary. The evergreen shrubs shall form a hedge adjacent to the parking area and screen the headlights of onsite vehicles. The landscaping shall be installed and subject to approval by the Urban Forester prior to issuance of a non-residential use permit (Non-RUP).
9. All trash dumpster(s) located on the property shall be enclosed by a solid, opaque barrier with a gate, as determined by DPWES.
10. The restaurants shall have an employee patrol the subject property and the surrounding area within one hundred (100) feet daily, for the collection of fast food trash.
11. There shall be no more than ten (10) employees at one time for the 3,500 square foot fast food restaurant and five (5) employees for the 1,800 square foot restaurant with a drive through.
12. All exterior parking lot lighting shall be of a low intensity design, which focuses the light directly onto the site. Shields shall be installed as necessary to prevent the light from beyond the site. Freestanding light poles shall be of a consistent height and design of the existing poles for McNair Farms Village Center at Dulles.
13. The architectural façade of the existing building and proposed addition shall be in substantial conformance with the elevations provided by MR*A Architects entitled "Village Center at Dulles Starbucks/Baja Fresh" dated May 19, 2000. The existing building and building addition shall maintain the wood shingles, white stucco and brick façade. The existing building and addition architectural features shall be substantially similar to the McNair Farms Village Center at Dulles as determined by DPWES.

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 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.