

DEVELOPMENT CONDITIONS

SEA 87-L-078

February 27, 2006

The Board of Supervisors approved SEA 87-L-078 located at 6148 Franconia Road [Tax Map 81-3 ((4)) 5A pt. & 5B1] to amend SE 87-L-078 previously approved to permit parking in an R District to serve a restaurant to amend the development conditions to extend the hours of operation pursuant to Sect. 9-609 of the Fairfax County Zoning Ordinance, requiring conformance with the following development conditions. Previously approved conditions (from SE 87-L-078) are marked with an asterisk (*). New conditions and changes to previous conditions are 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 Port of Italy, prepared by Rinker-Detwiler containing 2 sheets and dated August 20, 1987 as revised through February 29, 1988 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 left turn deceleration lane on Franconia Road at the site entrance shall be provided subject to Virginia Department of Transportation approval.*
5. Interparcel access to parcel 4A to the east with a public access easement for shared access shall be provided.*
6. Full Transitional Screening as shown on the revised Special Exception Plat dated February 29, 1988 shall be provided along the northern and eastern boundaries as shown on the landscape plan prepared by Rinker-Detwiler Associates, dated February 29, 1988.*
7. A landscaping plan consistent with the proposed planting plan dated February 29, 1988, shall be implemented by the applicant. The existing vegetation shall be supplemented to increase the visual buffer between the proposed use and residential properties to the north and east. The landscaping plan shall be subject to County Arborist's review and approval at the time of Final Site Plan approval. *
8. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

9. The hours of operation of the eating establishment shall be from 11:00 A.M. to 1:30 A.M. daily.
10. The applicant shall ensure that the rear parking lot is vacated by 2:00 a.m. and no parking in this area shall be permitted between 2:00 a.m. and 6:00 a.m. Signage shall be placed in the parking lot and security personnel shall be employed, as necessary to notify patrons and assure compliance with this condition and to assure a quiet departure by patrons and employees as they leave the premises. Patrons will be discouraged from parking on the adjacent residential streets.
11. Supplemental landscaping or a barrier consisting of a six foot (6') high solid wood fence or otherwise architecturally solid fence shall be provided along the northern and eastern boundaries of the parking lot on Tax Map 81-3 ((4))5A pt. and the northern boundary of the parking lot portion on Tax Map 81-3((4))5B1 within 90 days of the date of approval of this Special Exception Amendment to fill in gaps in the existing screening provided in that area of the site. Prior to installation of any supplemental landscaping or barrier on the subject site, the applicant shall provide a landscape plan prepared by a certified arborist or landscape architect, showing the location and species of any proposed supplemental landscaping or barrier to Urban Forest Management, DPWES for review and approval.
12. On an hourly basis each day (9:00 p.m. to 2:00 a.m.), the applicant shall monitor the site, remove any trash associated with the restaurant use and prevent loitering and noise issues resulting from patrons of the restaurant by walking the restaurant property, neighboring properties (as permitted) and neighboring residential streets.
13. The applicant shall designate a lead and secondary contact person to be available to the community 24 hours a day, 7 days a week to provide for ongoing effective, and immediate communication with all abutting residential neighbors to the north and east of the site and residents along Franconia Forest Lane between Bitternut Drive and Franconia Road in order to address any operational concerns of the neighbors regarding noise, trash, lighting, and operational restrictions under this Special Exception Amendment. The contact information for the lead and secondary contact person shall be provided to the Lee District Supervisor's office upon approval of this SEA. A yearly report, due on the anniversary of the Board approval of this SEA, shall be submitted to the Lee District Supervisor's office with a copy to the Lee District Planning Commissioner indicating compliance by the applicant with this condition.
14. This Special Exception Amendment (SEA) shall be valid for a two (2) year period from the date of approval by the Board. The SEA may be extended by the Zoning Administrator in accordance with the provisions of Section 9-012 of the Zoning Ordinance. The applicant shall file the request for extension with the Zoning Administrator, in writing, with a copy to the Lee District Supervisor's Office, no later than thirty days prior to the expiration date of the SEA. The Zoning Administrator shall make a determination of the applicant's compliance with the conditions approved with this SEA. Upon favorable finding, the Zoning Administrator shall approve the extension of the SEA without term. If it is determined that the use is not in compliance with all conditions approved with this SEA, the applicant shall file a Special Exception Amendment to allow continuation of the use, or the SEA shall be null and void.

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, eighteen (18) 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.