PROPOSED DEVELOPMENT CONDITIONS

SE 00-L-045

November 15, 2000

If it is the intent of the Board of Supervisors to approve SE 00-L-045 located at Tax Map 83-3 ((5)) (1) 10 and 10A (6332 Richmond Highway) to allow a fast food restaurant with drive-through facility in a Highway Corridor (HC) Overlay District and a waiver of certain sign regulations and to permit a waiver of the minimum lot width in a Commercial Revitalization District (CRD), 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 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 permit shall be in substantial conformance with the approved Special Exception plat **entitled Special Exception (SE) Plat, Krispy Kreme and prepared by the John R. McAdams Company, Inc. and GDN Engineering, which is dated March 23, 2000 and revised through October 13, 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. The maximum number of employees on the site at any one time shall not exceed twelve (12).

5. Restaurant seating shall be limited to a maximum of 44 seats.

6. The subject property is included within the Richmond Highway Commercial Revitalization District (CRD). As such, a reduction in required parking as allowed by the Zoning Ordinance may be utilized for this use, provided that any parking spaces shown on the SE Plat which are eliminated are converted to landscaped open space, subject to the approval of DPWES.

7. All signage on the subject property shall conform with the provisions of Article 12 "Signs" of the Zoning Ordinance, with the exception that one free standing pole sign of a height not to exceed 27 feet, may be allowed as shown on the SE plat. The sign's appearance shall be in substantial conformance to the detail depicted on the SE Plat. The sign shall not exceed the dimensions of the sign shown on the SE Plat. The use of flags, banners, or similar devices shall not be permitted.

8. Clearly marked pedestrian crossings shall be maintained across the travel aisles from the adjacent parking areas to the building entrance as depicted on the Special Exception (SE) Plat. In addition, pedestrian access shall also be provided from the trail along Richmond Highway to the building entrance via a paved trail extension, a crosswalk across the travel aisle, and sidewalk extension leading to the building entrance. Landscaping may be relocated elsewhere on site in order to accommodate this access.

9. Prior to site plan approval, a landscape plan shall be submitted for review and approval by the Urban Forestry Branch, DPWES, and implemented. This plan shall contain the landscaping shown on the SE Plat, including streetscape and peripheral and interior parking lot landscaping. All landscaping shall be planted as recommended in the landscape elements section of the Comprehensive Plan's urban design recommendations for the Richmond Highway Corridor Area, specifically the sections titled *"Tree Selection Criteria, Recommended Tree Species, and Tree and Plant Maintenance."* All landscaping shall be irrigated and maintained by the applicant in order to keep it in good health and appearance. All diseased or dying landscaping shall be replaced immediately by the applicant.

10. The subject property and the surrounding area, within 200 feet, shall be policed by the applicant/operator for trash/litter removal at least one time per eight (8) hour shift. Any graffiti on site shall be removed within three (3) business days.

11. The dumpster shall be screened on all four sides. This screening shall include a gate on the trash enclosure.

12. The building shall be constructed in substantial conformance with the attached architectural elevation, subject to DPWES approval. All four sides of the building shall have the same architectural facade treatments in terms of color, building materials, and style.

13. Pole-mounted lights shall be no higher than twenty (20) feet. All lighting provided on the property be focused directly on parking/driving areas and sidewalks. Sodium vapor light bulbs shall be used within the parking lot fixtures. All lighting shall be shoe-box style and directed downward and inward and be fully shielded to prevent light spillage on adjacent areas.

14. The outside speaker box on the order window shall be set at a decibel level to ensure that the noise level does not exceed forty (40) decibels at all property lines.

15. Prior to site plan approval, the applicant shall submit a Phase I investigation of the property to the Department of Public Works and Environmental Services (DPWES) for review and approval in coordination with the Fire and Rescue Department, the Health Department, and other appropriate agencies as determined by DPWES (hereinafter referred to as the "reviewing agencies").

This investigation shall be generally consistent with the procedures described within the American Society for Testing and Materials document entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" as determined by DPWES in coordination with the reviewing agencies. If warranted by the results of the Phase I investigation, and as determined by DPWES in coordination with the reviewing agencies, a Phase II monitoring program shall be pursued in order to determine if soil, surface water, or ground water contaminants are present on the property and/or have migrated from the property. If such a program is pursued, monitoring parameters shall be subject to the approval of DPWES in coordination with the reviewing agencies. If contaminants are detected in concentrations requiring remedial action, a remediation program shall be performed in accordance with all applicable Federal, State, and County requirements. Sufficient documentation of completion of the remediation program (with the possible exception of long term follow-up monitoring efforts) or an appropriate corrective action plan consistent with the proposed development (as determined by DPWES in coordination with the reviewing agencies) shall be provided to DPWES prior to site plan approval.

16. The applicant shall ensure that customers of the fast food restaurant use on Tax Map Parcels 83-3((5))(1) 10 and 10A shall be permitted at all times to drive their vehicles across Tax Map Parcel 83-3((5))(1) 8 for the purpose of accessing fifteen (15) parking spaces that are located on Tax Map Parcels 83-3((5))(1) 10 and 10A near the northern property lines. If Tax Map Parcel 83-3 ((5))(1) 8 is sold to a separate owner, then the documents related to that sale shall continue to ensure the availability of access to the fifteen (15) parking spaces by customers of the fast food restaurant. If such access is not provided, this Special Exception shall be null and void. The portion of Tax Map Parcel 83-3((5))(1) 8 that is used for this access shall be properly maintained at all times to ensure that such access is not impaired in any way. In addition, directional signage shall be provided which directs customers to said fifteen (15) parking spaces.

17. Interparcel access to adjoining parcels shall be provided and properly maintained as depicted on the SE Plat. Prior to site plan approval, a public access easement shall be provided along the travel aisle parallel to Richmond Highway.

18. Prior to site plan approval or upon demand of Fairfax County or the Virginia Department of Transportation (VDOT), right-of-way to 82 feet from centerline along the site's Richmond Highway frontage shall be dedicated in fee simple to VDOT for road improvement purposes. All ancillary easements shall be provided.

19. As shown on the SE Plat, a northbound left turn lane along Richmond Highway shall be constructed to serve traffic entering the site.

20. There shall be no outdoor storage or display of goods offered for sale

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 itself 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 Sect. 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.