

DEVELOPMENT CONDITIONS

SEA 93-Y-005-3

November 30, 2007

If it is the intent of the Board of Supervisors to approve SEA 93-Y-005-3, located at Tax Map 54-4 ((5)) 1A (5931 Fort Drive) ("Application Property") to amend SE 93-Y-005 previously approved for a fast food restaurant with drive-through to permit modification of development conditions pursuant to Sect. 4-804 and 7-607 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions; these development conditions shall supersede previous development conditions. Conditions which are substantively the same and which have been carried forward from the previous application are indicated with an asterisk*.

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 purposes(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 of the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Generalized Development/Special Exception Plan (GDP/SE) dated July 25, 2007 and revised through October 31, 2007, entitled "McDonald's Restaurant," and these conditions.
4. The maximum number of seats for the restaurant shall not exceed 152.
5. At a minimum, parking shall be provided as required by Article 11; however, a maximum of 76 spaces, 11 stacking spaces, and one (1) loading space shall be provided, all as shown on the Special Exception Plat.
6. Landscaping and tree planting shall be provided consistent with the landscaping shown on the SE Plat.
7. The proposed monument sign shall be mounted on a brick wall four (4) feet in height above grade and the proposed flagpole shall not exceed sixty (60) feet in height. Appropriate sign permits shall be obtained for all signs. No temporary banners shall be displayed on any site fencing.*

8. All signs shall be in accordance with Article 12, specifically temporary signs. There shall be no more than 500 square feet of window-painted signs and no window painting of the clerestory shall be permitted.*
9. All tinting on building windows (including the clerestory) shall be maintained.
10. There shall be no roof displays including, but not limited to, signs, balloons, or pennants.*
11. Bike racks shall be provided on the site to accommodate a minimum of ten (10) bicycles.*
12. The restaurant shall be allowed to operate 24 hours a day, seven days a week. Interior operations shall be limited to the hours of 5 am to 11 pm Sunday through Thursday, and 5 am to 12 am Friday and Saturday. The drive-through shall be allowed to operate 24 hours a day.
13. Irrespective of that shown on the plat, all outdoor site lighting shall comply with Part 9, Article 14, of the Zoning Ordinance, prior to issuance of a Non-RUP commencing the additional hours of operation.*
14. The roof lights will be removed entirely, prior to the issuance of a Non-RUP for the building addition.
15. When the interior of the restaurant is closed, the clerestory lights shall be turned off with the exception of security lighting which will remain on.
16. Signs to preclude commuter parking may be installed on the Application Property, subject to the provisions of Art. 12.

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 is 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 as evidenced by the issuance of a

new Non-Residential Use Permit. The Board of Supervisors may grant additional time to establish the use 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.