



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

January 29, 2008

Lynne J. Strobel
Walsh, Colucci, Lubely, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

Re: Special Exception Amendment Application SEA 93-Y-005-03
(Concurrent with Proffered Condition Amendment Application PCA 93-Y-002-02)

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on January 28, 2008, the Board approved Special Exception Amendment Application SEA 93-Y-005-03 in the name of Van L.L.C. The subject property is located at 5931 Fort Drive on approximately 1.36 acres of land zoned C-8, HC, SC, and WS in the Sully District [Tax Map 54-4 ((5)) 1A] with an overall Floor Area Ratio (FAR) of 0.08. The Board's action amends Special Exception Application SE 93-Y-005, previously approved for a fast food establishment in a Highway Corridor Overlay District to permit a building addition and associated modifications to site design and development conditions pursuant to Sections 4-804, 7-607, and 9-611 of the Fairfax County Zoning Ordinance, 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 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.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

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.

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.

The Board also:

- Waived the service drive requirement.
- Waived the barrier requirement and modified the transitional screening requirement along the Upperridge Drive frontage in favor of the landscaping shown on the Special Exception Amendment plat.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

Board Agenda Item
January 28, 2008

4:30 p.m.

Public Hearing on PCA 93-Y-002-02 (Van L.L.C.) to Amend the Proffers for RZ 93-Y-002 Previously Approved for Commercial Development to Permit Enlargement of Existing Fast Food Restaurant with an Overall Floor Area Ratio of .08 and Associated Modifications to Proffers and Site Design, Located on Approximately 1.36 Acres Zoned C-8, HC, SC and WS, Sully District

and

Public Hearing on SEA 93-Y-005-03 (Van L.L.C.) to Amend SE 93-Y-005 Previously Approved for a Fast Food Establishment in a Highway Corridor Overlay District to Permit a Building Addition, Associated Modifications to Site Design and Development Conditions. Located on Approximately 1.36 Acres Zoned C-8, HC, SC and WS, Sully District

The application property is located in the northwest quadrant of the intersection of Centreville Road and Upperridge Drive at 5931 Fort Drive, Tax Map 54-4 ((5)) 1A. (

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 6, 2007, the Planning Commission voted unanimously (Commissioners Alcorn, Murphy, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 93-Y-002-2, subject to the execution of proffers consistent with those dated November 28, 2007;
- Approval of SEA 93-Y-005-3, subject to the Development Conditions dated November 30, 2007;
- Waiver of the service drive requirement; and
- Waiver of the barrier requirement and modification of the transitional screening requirement along the Upperridge Drive frontage in favor of the landscaping shown on the Special Exception Amendment plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Suzianne Battista, Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting
December 6, 2007
Verbatim Excerpt

PCA 93-Y-002-2 - VAN, L.L.C.
SEA 93-Y-005-3 - VAN, L.L.C

After Close of the Public Hearing

Secretary Harsel: I'll close the public hearing and recognize Mr. Koch.

Commissioner Koch: Thank you - -

Secretary Harsel: Mr. Koch.

Commissioner Koch: Thank you, Madam Chairman. Anybody that's been out to Centreville is familiar with this McDonald's on Route 28. It's been there for a long time and it has struggled to keep up with Centreville. As Centreville changed, the applicant and the owner has tried to keep up with the changes and I think we all agree that Centreville is not what it was 20 years ago. And I know sometimes when - - well, we don't do it very often anymore - - but, when I'd be going home at two o'clock in the morning and I'd feel like something from McDonald's, you know, it would be disappointing that - - to find them closed. So, now I'll be able to - - well, I won't be at any more late meetings, but - - if I'm out at that hour, I will be able to stop by and get something at the drive-through window. I want to thank the applicant. He's been - - always been very willing to work with the community and he's worked closely with West Fairfax and he has staff approval tonight. And with that, I'll MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 93-Y-002-2, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 28, 2007.

Commissioner Lawrence: Second.

Secretary Harsel: Seconded by Mr. Lawrence. Discussion? All - -

Commissioner Lawrence: Question for the maker of the motion. Did you mean proffers or development conditions?

Secretary Harsel: Proffers, proffers.

Commissioner Koch: Proffers.

Commissioner Lawrence: Proffers, thank you.

Secretary Harsel: Further discussion? All those in favor, signify by saying aye.

Commissioners: Aye.

Secretary Harsel: Opposed? Motion carries unanimously. Mr. Koch.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 93-Y-005-3, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 30, 2007.

Commissioner Lawrence: Second.

Secretary Harsel: Seconded by Mr. Lawrence. Discussion? All those in favor, signify by saying aye.

Commissioners: Aye.

Secretary Harsel: Opposed? Motion carries unanimously. Mr. Koch.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT.

Commissioner Lawrence: Second.

Secretary Harsel: Oh, you better tell us where. Along Route 28.

Commissioner Koch: ROUTE 28. Yes.

Secretary Harsel: Seconded by Mr. Lawrence. Discussion? All those in favor, signify by saying aye.

Commissioners: Aye.

Secretary Harsel: Opposed? Motion carries unanimously. Mr. Koch.

Commissioner Koch: And finally, Madam Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE BARRIER REQUIREMENT AND A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE SITE'S UPPERRIDGE DRIVE FRONTAGE, IN FAVOR OF THE LANDSCAPING SHOWN ON THE SPECIAL EXCEPTION AMENDMENT PLAT.

Commissioner Lawrence: Second.

Secretary Harsel: Seconded by Mr. Lawrence. Discussion? All those in favor, signify by saying aye.

Planning Commission Meeting
December 6, 2007
PCA 93-Y-002-2 and SEA 93-Y-005-3

Page 3

Commissioners: Aye.

Secretary Harsel: Opposed? Motion carries unanimously.

//

(The motions carried unanimously with Commissioners Alcorn, Murphy, and Sargeant absent from the meeting.)

KAD