

## DEVELOPMENT CONDITIONS

SE 2007-MA-032

May 28, 2008

If it is the intent of the Board of Supervisors to approve SE 2007-MA-032 located at 4245 Markham Street, Tax Map 71-1 ((20)) 2, to permit fast food restaurants in a PDC District and a Highway Corridor Overlay District pursuant to Sections 6-205 and 7-607 of the Fairfax County Zoning Ordinance, 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 (SE Plat) approved with this application, as qualified by these development conditions. Other by-right or Special Permit uses may be permitted without amendment to this application, so long as such uses are in substantial conformance with this SE Plat.
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 SE Plat entitled "Markham Plaza" consisting of five sheets, prepared by Walter L. Phillips, Inc., dated October 10, 2007, as revised through May 12, 2008. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. No fast food restaurants shall have drive through windows.
5. Prior to issuance of any Non-RUP, it shall be demonstrated to DPWES that adequate parking is provided in accordance with these conditions and to serve all uses on the site. Should adequate parking not be available, the proposed uses shall be reduced in size or uses eliminated to meet the minimum parking requirements.
6. There shall be no outdoor storage of goods for sale. This shall not preclude the temporary outdoor display of retail goods for sale.

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, at a minimum, the use (which shall be defined as at least one of the four permitted fast food restaurants) 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.