

DEVELOPMENT CONDITIONS

SE 2009-DR-014

December 29, 2009

If it is the intent of the Board of Supervisors to approve SE 2009-DR-014, located at 8100-E Old Dominion Drive [Tax Map 20-4-((1))-27A], to permit a quick-service food store, pursuant to Section 9-500 of the Fairfax County Zoning Ordinance, the 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 and/or use indicated in the Special Exception application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous space on the property of the use and be made available to all departments of Fairfax County during the hours of operation of the permitted use.
4. 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). Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Section 9-004 of the Zoning Ordinance.
5. Existing lighting, including streetlights, security, pedestrian, and/or other incidental lighting, may remain. All new and replacement lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance.
6. Off-street parking shall be provided on-site in accordance with Article 11 of the Zoning Ordinance and per the approved site plan for the shopping center.
7. All signage shall meet the requirements of Article 12 of the Zoning Ordinance.
8. There shall be no outdoor storage of materials or equipment, or display of goods on site.
9. In order to reduce litter, a trash receptacle shall be provided outside of the quick-service food store during operation hours and brought inside when the establishment is closed.

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 Amendment shall not be valid until this has been accomplished.

The approval of this special exception does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, 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 Amendment. 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.