

DEVELOPMENT CONDITIONS

SEA 95-M-009

August 18, 2009

If it is the intent of the Board of Supervisors to approve SEA 95-M-009, located at 6546-6552 Little River Turnpike, Tax Map 72-1 ((1)) 20D, previously approved for a fast food use in a highway corridor overlay district, to permit an addition of land area, fast food uses in a highway corridor overlay district and a waiver of open space, pursuant to Sect. 7-607 and 9-612 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions (which supersede all previous conditions; those carried forward from the previous approval are marked 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 purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. By-right or special permit uses allowed by the Zoning Ordinance may be permitted on the property without a Special Exception Amendment, so long as such uses can be parked and are in substantial conformance with the 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 Special Exception Plat entitled "Pinecrest Plaza," consisting of two sheets prepared by Dewberry and Davis, and dated April 2009, as revised through July 6, 2009, 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. All or a portion of the free-standing building on the site may be used for fast food uses, with no drive through windows.
5. Prior to approval of Non-residential use permit for any fast food use in the free-standing building on the site, a parking tabulation for the entire shopping center, demonstrating adequate parking for each use on the site, shall be submitted to the Department of Public Works and Environmental Services (DPWES). *
6. The new landscaping shown to be installed along Braddock Road shall be provided within six months of BOS approval of this SEA, subject to approval by the Urban Forest Management Division.

7. 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 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.