DEVELOPMENT CONDITIONS

SEA 83-M-102-03

March 23, 2010

If it is the intent of the Board of Supervisors to approve SEA 86-M-102-03 located at Tax Map 72-2 ((1)) 44A and 72-4 ((1)) 6E to amend SE 83-M-102, previously approved for a fast food restaurant with drive-through, to permit a fast food restaurant with drive-through, pursuant to Sect. 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 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 Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*

2. This Special Exception Amendment 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.*

3. This Special Exception Amendment 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 General Development Plan/Special Exception Amendment (GDP/SEA) plat entitled "McDonald's General Development Plan and Special Exception Plat," consisting of eight sheets, prepared by Bohler Engineering and dated December 17, 2008 and revised through September 22, 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. The maximum number of seats for the restaurant shall not exceed 88.

5. The fast food restaurant interior operations shall be limited to the hours of 5:00 a.m. to 1:00 a.m. Sunday through Saturday. The drive-through window shall be allowed to operate 24 hours a day.

6. At a minimum, parking shall be provided as required by Article 11; however, a maximum of forty-four (44) spaces, eleven (11) stacking spaces, and one (1) loading space shall be provided, as shown on the GDP/SEA plat.

7. Architectural elevations, including materials, shall be in substantial conformance with those shown on the GDP/SEA plat; however, the Exterior Insulation Finish System (EIFS) may be replaced with brick at the sole discretion of the applicant.

8. Irrespective of what may be shown on the GDP/SEA plat, all signage shall be in conformance with Article 12 of the Zoning Ordinance. There shall be no roof displays including, but not limited to signs, balloons, flags or pennants. No temporary banners shall be displayed on any site fencing. Pole mounted and pylon signs shall be prohibited, with the exception of those signs subject to Section 12-103 of the Zoning Ordinance.

9. All outdoor lighting shall comply with Part 9, Article 14 of the Zoning Ordinance.

10. The drive-through speaker posts shall incorporate an automatic volume control to adjust outbound volume based on surrounding outdoor ambient noise levels. A sign shall be located in an area visible to drive-through patrons which requests radio volumes be turned down while in line, for consideration of neighbors.

11. Landscaping and tree plantings shall be provided consistent with the Landscape Plan submitted with the GDP/SEA plat, as determined by Urban Forestry Management (UFM). Existing trees located within the Fairfax County Water Authority (FCWA) easement shall be removed three years after the issuance of the Non-Residential Use Permit. All trees located in landscape strips less than eight feet in width need to be planted in conformance with the recommendations of UFM. Any off-site trees to be removed/replaced along the western boundary of the site shall require permission from the Landmark Homeowner's Association (Stonegate) and as determined by UFM.

12. The existing speed hump located along the east side of the service drive shall be removed prior to the issuance of the Non-Residential Use Permit.

13. A public access easement shall be provided and recorded in a form approved by the County Attorney over the entrance of the two-way pipestem access point on Beauregard Street to allow for continued interparcel access with the adjoining parcel to the south.

14. Prior to demolition of any structure or grading/removal of asphalt or concrete on the application property, evidence shall be provided in the form of a written statement to DPWES in consultation with the Division of Environmental Health - Community Health and Safety Section, that a certified Virginia pesticide applicator has treated and exterminated the structure/application area and surrounding properties for vermin.

15. In order to enhance the buffer between the application property and the Landmark Homeowner's Association/Stonegate Community on Tax Map Number 72-2 ((16)) A and 1-45, the applicant shall purchase and install vegetation on the adjoining property along the northern and western boundaries of the project site, in consultation with the Landmark Homeowner's Association/Stonegate Community Board of Directors. The value of the vegetation shall be approximately $1500.00 and shall be installed prior to the issuance of the Non-Residential Use Permit. Maintenance of this vegetation shall be the responsibility of the Landmark Homeowner's Association/Stonegate Community.

16. Security cameras shall be utilized by the applicant to monitor activity on the application property.

17. Prior to the issuance of the Non-Residential Use Permit, verification shall be provided to the Department of Planning and Zoning that the following green building elements have been completed. These elements shall be verified either by letter from a LEED-AP or other equivalent green building certified professional who is also a licensed architect or engineer but not a McDonald's employee.

    - The purchase of renewable energy credits to offset up to 35% of the restaurant electrical demand;
    - The use of rooftop HVAC units with an 11 EER (Energy Efficiency Rating) for the 15 Ton Unit and a 13 SEER (Seasonal Energy Efficiency Rating) for the 4 Ton Unit
    - The use of compact fluorescent light fixtures as the predominant fixture in the dining room;
    - The use of high efficiency fluorescent light fixtures in kitchen area;
    - The use of low flow water closets, urinals and lavatories; and
    - The use of automatic faucets for restroom hand sinks (lavatories) and kitchen area hand sinks, as allowed by the Health Department.
    - Use of McDonald's Energy Management System in building to control all building lighting (interior, exterior, signage) and HVAC equipment.
    - The use of low volatile organic compound (VOC) adhesives, paints, and sealants, with the exception of fire caulking, mastic products used to seal the roof membrane and any glues used to weld PVC piping together. Specifically, architectural paints and coatings applied to interior walls and ceilings shall not exceed the VOC content limits established in Green Seal Standard GS-11, Paints, 1st Edition, May 20, 1993. Anti-corrosive and anti-rust paints applied to interior ferrous metal substrates shall not exceed the VOC content limit of 250 g/l established in Green Seal Standard GC-03, Anti-Corrosive Paints, 2nd Edition, January 7, 1997. Clear wood finishes, floor coatings, stains, primers, and shellacs applied to interior elements shall not exceed the VOC content limits established in South Coast Air Quality Management District (SCAM) Rule 1113, Architectural Coatings, rules in effect on January 1, 2004. Finally, adhesives, sealants, and sealant primers, with the exception of fire caulking, mastic products used to seal the roof membrane and glues used to weld PVC piping together, shall comply with South Coast Air Quality Management District (SCAQMD) Rule #1168.
    - The use of highly reflective (White Thermoplastic Polyolefin Membrane) building roof to include an initial solar reflectivity index (SRI) equal to or greater than 78.
    - Develop and implement a construction and demolition waste program which provides for, at a minimum, construction waste management recycling for the existing building demolition, consisting of storefront windows, glass window lights in exterior doors, structural steel (columns,

lintels, etc.), storefront glass window frames, hollow metal doors/frames, and steel supports from dining room seating/tables.

18. Prior to the issuance of any permits for building signs, verification shall be provided to the Department of Planning and Zoning that LED illumination shall be used within the signs. The use of LED illumination shall be verified either by letter from a LEED-AP or other equivalent green building certified professional who is also a licensed architect or engineer but not a McDonald's employee.

19. A copy of this Special Exception and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during hours of operation of the permitted use.

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 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.