



County of Fairfax, Virginia

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

April 28, 2010

Inda E. Stagg
Walsh, Colucci, Lubeley, Emrich and Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2009-SP-012

Dear Ms. Stagg:

At a regular meeting of the Board of Supervisors held on April 27, 2010, the Board approved Special Exception Application SE 2009-SP-012 in the name of McDonald's Corporation. The subject property is located at 13035-B Lee Jackson Memorial Highway on approximately 35,000 square feet of land zoned C-6, HC and WS in the Springfield District [Tax Map 45-1 ((1)) 10F pt.]. The Board's action permits fast food restaurant with drive-through pursuant to Sections 4-604 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 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 Special Exception (SE) Plat entitled "McDonald's Special Exception Plat," consisting of eight sheets, prepared by Bohler Engineering and dated December 17, 2008, and revised through April 9, 2010, 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.

Office of the Clerk to the Board of Supervisors
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4. The maximum number of seats for the restaurant shall not exceed 130 seats.
5. At a minimum, parking shall be provided as required by Article 11; however, a maximum of thirty-seven (37) spaces, eleven (11) stacking spaces, and one (1) loading space shall be provided, as shown on the SE plat.
6. Architectural elevations, including materials, shall be in substantial conformance with those shown on the SE plat.
7. A bike rack shall be provided as depicted on the SE plat along the northern façade of the fast food restaurant with drive-through.
8. Irrespective of what may be shown on the SE 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. Landscaping and tree plantings shall be provided consistent with the Landscape Plan submitted with the SE Plat, as determined by Urban Forestry Management (UFM).
11. The applicant shall pursue an agreement with the property owner(s) of the adjoining parcel to the east (45-1 ((1)) 13) to place trees and shrubbery off-site with the objective to enhance the long-term landscape between the uses. If the applicant is unable to reach an agreement with the owner(s) of the adjacent parcel for this off-site planting, then the applicant shall provide documentation of their unsuccessful effort to DPWES and this condition shall be considered fulfilled.
12. 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.

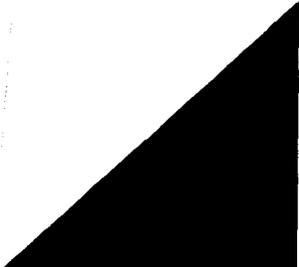
- The purchase of renewable energy credits to offset up to 35% of the restaurant electrical demand;
- The use of rooftop HVAC units with an 11 EER (Energy Efficiency Rating) for the 15 Ton Unit and a 13 SEER (Seasonal Energy Efficiency Rating) for the 4 Ton Unit.
- The use of compact fluorescent light 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.
- 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.
13. 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.
 14. 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.

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.

The Board also:

- Waived the on-road bike lane requirement on Route 50.
 - Modified the trail requirement on Route 50.
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- Modified the transitional screening requirement in favor of that shown on the SE Plat.
- Waived the barrier requirement in favor of that shown on the SE Plat.
- Modified the peripheral parking lot landscape requirement in favor of that shown on the SE Plat.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor Pat Herrity, Springfield District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Eric Teitelman, Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation