



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 Amendment Application SEA 79-V-093-02

Dear Ms. Stagg:

At a regular meeting of the Board of Supervisors held on April 27, 2010, the Board approved Special Exception Amendment Application SEA 79-V-093-02 in the name of McDonald's Corporation. The subject property is located at 8735 Richmond Highway on approximately 35,010 square feet of land zoned C-8, CRD and HC in the Mount Vernon District [Tax Map 109-2 ((2)) 3A]. The Board's action amends Special Exception Application SE 79-V-093 previously approved for a fast food restaurant with drive-through to permit the demolition and reconstruction of a fast food restaurant, modifications, and waivers in a CRD, and associated modifications to site design and development conditions pursuant to Sections 7-607 and 9-622 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals are marked 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 amendment plat approved with the application, as qualified by these development conditions.*

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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 Amendment (SEA) plat entitled "McDonald's Special Exception Plat," consisting of seven sheets, prepared by Bohler Engineering and dated April 27, 2009 and revised through April 13, 2010, and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. There shall be a maximum of one (1) drive-through lane for the fast food restaurant as shown on the SEA Plat.
5. The maximum number of seats for the fast food restaurant shall not exceed 90 seats.
6. The fast food restaurant interior operations shall be limited to the hours of 5:00 a.m. to 12 midnight Sunday through Thursday and 5:00 a.m. to 1:00 a.m. Friday and Saturday. The drive-through window shall be allowed to operate 24 hours a day.
7. A maximum of thirty-nine (39) parking spaces, eleven (11) stacking spaces, and one (1) loading space shall be provided, as shown on the SEA plat.
8. All four facades of the proposed fast food restaurant, including materials, shall be in substantial conformance with the architectural elevations shown on the SEA Plat; however, the Exterior Insulation Finish System (EIFS) may be replaced with brick.
9. 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 or pennants, and no pole-mounted signs (except for directional signs). There shall be no signs displaying flashing or intermittent lights, or lights of changing degrees of intensity of color or moving copy. This prohibition shall apply to the freestanding monument signs, building signage and any signs located in the windows of the building, internal or external, which are visible from Richmond Highway or Cooper Road.
10. All exterior lighting shall comply with Part 9, of Article 14 of the Zoning Ordinance.
11. Landscaping and tree plantings shall be provided consistent with the Landscape Plan submitted with the SEA Plat, as determined by Urban Forest Management Division (UFMD). All trees located in landscape

strips less than eight feet in width shall be planted in conformance with the recommendations of UFMD. Any off-site trees to be removed in the service drive median along Richmond Highway shall require permission from the Virginia Department of Transportation (VDOT).

12. The species of trees planted pursuant to this SEA shall be in conformance with the Tree Selection Criteria and Recommended Tree Species for Richmond Highway as contained in the Comprehensive Plan to the greatest extent possible. All on-site landscaping along Richmond Highway and Cooper Road shall be maintained by the applicant.
13. A four-foot high, board-on-board fence shall be installed and maintained by the owner of Parcel 109-2 ((2)) 3A (the "Application Property") along the western property line between the Application Property and Parcel 109-2 ((2)) 4.
14. Crosswalks shall be provided as shown on the SEA Plat. Signage shall be erected alerting motorists to watch for pedestrians, subject to Virginia Department of Transportation (VDOT) approval.
15. The trash dumpster shall be fully screened with a brick wall or board-on-board fence and a gate, as shown on the SEA Plat.
16. There shall be no outdoor storage and the display of goods offered for sale.
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 fast food 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 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.
 - 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; and
 - 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. Bicycle racks shall be installed in the amount and location shown on the SEA Plat prior to the issuance of the Non-RUP. The location and type of bicycle rack shall be depicted on the first and all subsequent site plans, subject to the review and approval of the Fairfax County Department of Transportation.
20. 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.

21. The site shall be kept free from litter and debris by the applicant or successors.

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.

The Board also:

- Modified the peripheral parking lot landscaping requirements in favor of that shown on the SEA plat.
- Modified the Richmond Highway streetscape requirements along Richmond Highway and Cooper Road to that shown on the SEA plat.
- Approved a deviation of the Tree Preservation target requirements of Chapter 122 of the County Code and the Public Facilities Manual by the Director of the Department of Public Works and the Urban Forestry Department.

Sincerely,



Nancy Velts
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor Gerry Hyland, Mount Vernon 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