



County of Fairfax, Virginia

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

June 9, 2010

Elizabeth D. Baker
Walsh, Colucci, Lubeley, Emrich and Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2009-MV-025

Dear Ms. Baker:

At a regular meeting of the Board of Supervisors held on June 8, 2010, the Board approved Special Exception Application SE 2009-MV-025 in the name of CEC Entertainment, Incorporated. The subject property is located on the east side of Richmond Highway and south of Shields Avenue on approximately 40,759 square feet of land, zoned C-8, CRD, and HC in the Mount Vernon District [Tax Map 83-3 ((40)) 2pt.]. The Board's action permits a commercial recreation restaurant and waivers, modifications and uses in a commercial revitalization district pursuant to Sections 4-804, 9-501, 9-506 and 9-622 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 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 CEC Entertainment, Inc., prepared by Bohler Engineering and dated December 8, 2009 as revised through March 16, 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. During all hours of operation, a staff person shall monitor the entrance to ensure that no child under 18 is admitted without a parent or guardian per Par. 2 of Sect. 9-506 of the Zoning Ordinance.
5. A copy of these Development Conditions and the Non-Residential Use Permit (Non-RUP) 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 the hours of operation of the permitted use.
6. The facility shall close no later than 10:00 p.m. Sunday through Thursday, and no later than 11:00 p.m. on Friday and Saturday.
7. There shall be no take out service.
8. All outdoor trash receptacles shall conform to the standards set forth in the Public Facilities Manual for placement and screening of such receptacles. Specifically, one or more trash dumpsters, of adequate capacity to handle all trash from the use, shall be provided to the rear of the building. Dumpsters shall have lids that are able to be fitted with locks to prevent unauthorized use if needed. Bait stations shall be provided in the dumpster area to address rodent concerns. In addition, at least one (1) trash receptacle shall be provided in the vicinity of the front door of the restaurant.

The removal of the trash from the dumpster(s) shall occur no less than four (4) times per week and from the front receptacle(s) five (5) times a week, or as may be necessary to maintain a clean, debris free environment. The site, parking lot and nearby vicinity shall be monitored on a daily basis and shall be regularly cleared areas of trash and litter.

The site and trash collection areas may be viewed by community representatives to determine compliance with this condition, provided there is no interference with operation of the business.
9. Any landscaping, as shown generally on Sheet 5 of the SE Plat, within the special exception area shall be consistent with the rest of the shopping center.
10. Any parking lot landscaping islands within the special exception area shall be consistent with the rest of the shopping center, such that raised parking lot landscaping islands shall be provided in the special exception area if consistent with the rest of the shopping center.

11. A bike rack plan that includes the design, rack type, location and total number to be provided onsite for the SE area shall be submitted by the applicant to FCDOT for review and approval concurrent with the site plan or interior renovation plan if no site plan is required or within 30 days of Board approval of this SE.
12. A raised and painted crosswalk shall be provided near the front door of the restaurant leading to the parking spaces directly in front of the restaurant.
13. All signage for the SE area shall comply with provisions of Article 12 of the Zoning Ordinance.
14. All outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance architecture. Any new light poles shall be limited to a height of 30 feet.

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. The Board of Supervisors may grant additional time to establish the use 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 minimum lot width requirement to permit a lot width of 95 feet instead of the required 200 feet.
- Waived the minimum rear yard requirement.
- Waived the open space requirement.

- Directed the Director of the Department of Public Works and Environmental Services to permit deviation from the tree canopy percentage requirements in favor of the conditions depicted on the Special Exception Plat.

Sincerely,



Nancy Vehrs
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