

## **DEVELOPMENT CONDITIONS**

**SE 2010-LE-011**

***October 7, 2010***

If it is the intent of the Board of Supervisors to approve SE 2010-LE-011 located at Tax Map 80-3 ((1)) 4A part to permit a fast food restaurant, waiver of certain sign regulations, and modifications, waivers, increases and uses in a CRD, pursuant to Sect(s). 4-604, 7-607, 9-620, and 9-622 of the Zoning Ordinance, then staff recommends that the Board condition the approval 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 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.
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 (SE) plat entitled "Special Exception Plat for Panda Express," consisting of five sheets, prepared by Bohler Engineering and dated May 17, 2010 and revised through September 15, 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.
4. 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.
5. The maximum number of seats for the fast food restaurant including the outdoor seats shall not exceed 60 seats.
6. The maximum number of full-time employees on-site at any one time shall not exceed six (6).
7. Parking and one (1) loading space shall be provided, as shown on the SE Plat.
8. A maximum of 75 SF of total building-mounted signage shall be permitted on the building. There shall be no balloons or pennants on the roof, 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 building-mounted signage and any signs located in the windows of the building, internal or external, which are visible from Old Keene Mill Road and from within the shopping center.

9. All exterior lighting shall comply with Part 9, of Article 14 of the Zoning Ordinance.
10. Supplemental landscaping shall be installed on-site and off-site as shown on the SE Plat as determined by Urban Forest Management Division (UFMD) prior to the issuance of the Non-Residential Use Permit. UFMD shall be consulted prior to said installation to ensure that the appropriate size of trees and shrubs and selection of species is made based on existing and proposed site conditions. All landscaping that is installed pursuant to this Special Exception shall be maintained in good health by the applicant or successors.
11. A maximum contribution of \$1,000 shall be made by the applicant to the County's Tree Preservation and Planting Fund to cover the cost of planting 400 square feet of the 10-year Tree Canopy requirement. The exact monetary contribution shall be reviewed by UFMD to ensure conformance with the Public Facilities Manual (PFM) at the time of the first submission of the associated site plan using the guidance provided in the PFM.
12. The trash dumpster shall be fully screened with a brick veneer wall and a gate, as shown on the SE Plat.
13. There shall be no outdoor storage and the display of goods offered for sale.
14. The loading space hours shall be limited from midnight to 6:00 am. In order to ensure compliance with this condition, the lessee shall provide a contact name and phone number to the owner of Springfield Plaza.
15. Green building practices shall be incorporated into the existing building by the applicant. Such practices shall include the use of Energy Star appliances, to the extent available, faucets with low-flow aerators, and low wattage light bulbs. The use of low-flow toilets and an Energy Management System shall also be considered by the applicant. Prior to the issuance of a Non-Residential Use Permit, the Applicant shall provide a list of green building practices that have been used to the Department of Planning and Zoning.

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.