DEVELOPMENT CONDITIONS

SEA 81-L-057-02

January 13, 2011

If it is the intent of the Board of Supervisors to approve SEA 81-L-057-02 located at 7608 and 7614 Richmond Highway, Alexandria [Tax Map 92-4 ((2)) 3 and 4] to amend SE 81-L-057, previously approved for a fast food restaurant with drive-through, to permit the demolition and reconstruction of the existing use and site modifications and modifications, waivers, increases and uses in a CRD, pursuant to Sect(s). 4-805, 7-607 and 9-622 of the Zoning Ordinance, then staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous development conditions.

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.

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," consisting of five (5) sheets, prepared by Bohler Engineering and dated December 17, 2008, as revised through October 1, 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. A copy of this Special Exception Amendment 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. There shall be a maximum of one (1) drive-through (which may include two ordering boards and separate windows for payment and order pick-up) for the fast food restaurant as shown on the SEA Plat.

6. The maximum number of seats for the fast food restaurant shall not exceed 90 seats.

7. The fast food restaurant interior operations shall be limited to the hours of 5:00 a.m. to 12:00 a.m., 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.

8. All four facades of the proposed fast food restaurant, including materials, shall be in substantial conformance with the architectural elevations depicted on the SEA Plat.

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. The maximum height for the monument sign shall be twelve feet.

10. All exterior lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in accordance with the Performance Standards contained in Part 9, of Article 14 of the Zoning Ordinance.

11. Landscaping and tree plantings shall be provided consistent with the Landscape Plan contained within the SEA Plat, as determined by Urban Forest Management Division (UFMD), DPWES.

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. All on-site landscaping along Richmond Highway and Fordson Road shall be maintained by the applicant.

13. Crosswalks shall be provided as shown on the SEA Plat. On-site signage shall be erected alerting motorists to watch for pedestrians, subject to Virginia Department of Transportation (VDOT) approval and shall include two stop signs at the crosswalk to the southeast corner of the building, one for the drive-through window and one for the travel aisle.

14. The trash dumpster shall be fully screened with a brick wall and a gate.

15. There shall be no outdoor storage and the display of goods offered for sale.

16. A vegetative swale and infiltration basin shall be provided in substantial conformance with that shown on the SEA Plat. Such facilities shall be constructed and maintained by the applicant or successors in accordance with the PFM standards, as determined by DWPES.

17. Prior to the issuance of the Non-Residential Use Permit, verification shall be provided to the Department of Planning and Zoning (DPZ) 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 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 DPZ 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. At the time of site plan approval, interparcel access shall be provided between the subject site and abutting Parcels 92-4 ((2)) 1 and 506. A public access easement

shall cross the subject site to Parcels 1 and 506 and provide access as shown on the SEA Plat. In addition, at the time of site plan approval, a second public access easement shall be provided across the subject site from Parcel 506 to Fordson Road as generally shown on the attached Exhibit A. These easements shall be recorded at the time of site plan and shown on the initial and all subsequent site plans. Should the subject site redevelop in the future, this access easement may be relocated so long as reasonable access is provided between Parcel 506 and Fordson Road as determined by the Zoning Administrator. If the public access easement to Fordson Road is relocated in the future, then this new public access easement shall be recorded prior to the issuance of a Non-RUP for any new structure. Should Parcel 506 redevelop in the future such that it has access to Fordson Road, that portion of the access easement which provides access to Fordson Road may be vacated.

20. Right-of-way up to 88 feet from the centerline along Richmond Highway, as shown on the SEA Plat, shall be dedicated to the Board of Supervisors in fee simple at no cost, at the time of site plan approval or upon demand (whichever occurs first).

21. Prior to the issuance of the Non-RUP, a bus shelter in the median of the service drive along Richmond Highway shall be installed in the existing location shown on the SEA Plat, subject to the review and approval of FCDOT and VDOT. The size of this bus shelter shall be approximately twice the size of a typical shelter but shall not exceed 14 feet by 16 feet. If approval and/or construction of the bus shelter is not completed before the issuance of the Non-RUP, cost of constructing the bus shelter shall be provided in escrow.

22. An easement for a bus pad measuring 14 feet by 16 feet shall be provided on-site along Richmond Highway in conjunction with the expansion of Richmond Highway and upon demand by Fairfax County.

23. Prior to the issuance of the Non-RUP, a bicycle rack shall be installed in the location shown on the SEA Plat. 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.

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

25. A plaque shall be installed inside the subject restaurant which commemorates this site as the location of the first McDonald's restaurant in Fairfax County.

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.