DEVELOPMENT CONDITIONS

SEA 81-P-025

February 9, 2011

If it is the intent of the Board of Supervisors to approve SEA 81-P-025 located at Tax Maps 50-1 ((1)) 39D (7393-B-D Lee Highway) to amend SE 81-P-025 previously approved for a drive-in financial institution, to permit a fast food restaurant to occupy more than 35% of the building in which it is located, pursuant to Sect. 4-805 and 9-503 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions shall supersede previous development conditions for the area subject to this application. Conditions which are substantively the same and which have been carried forward from the previous application are indicated 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 for only the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Amendment Plat approved with this application, as qualified by these development conditions which supersede all previous special exception conditions.*

3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Amendment Plat entitled "Echo Hills Shopping Center Special Exception," and prepared by VIKA Incorporated, dated May 10, 2010, as revised through January 5, 2011, and these conditions.

4. A copy of the Special Exception Amendment shall be posted in a conspicuous place along with the non-Residential Use Permit (non-RUP) on the property of the use and be made available to all departments of the County of Fairfax during the hours of operated of the permitted use.*

5. Two drive-in windows for the financial institution shall be operational at all times.*

6. All signage shall be in conformance with Article 12 of the Zoning Ordinance.

7. No outdoor storage or display of goods for sale or rent shall be permitted.

8. Green building practices shall be incorporated into the existing retail/fast food 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 Amendment 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 as evidenced by the issuance of a new Non-Residential Use Permit. 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.