

DEVELOPMENT CONDITIONS

SE 2012-PR-005

April 9, 2013

If it is the intent of the Board of Supervisors to approve SE 2012-PR-005, located at Tax Map 51-3 ((1)) 1D for a special exception to permit a fast food restaurant within a residential structure in the PDC District pursuant to Sect. 6-206 and 9-505 of the Fairfax County Zoning Ordinance, 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 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 "Arlington Boulevard Development, LLC," prepared by VIKA, Inc. dated March 12, 2012, as revised through April 9, 2013, consisting of 30 sheets, 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 (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.
5. Exterior building and parking lot lighting shall comply with Par. 9 of Art. 14 of the Zoning Ordinance.
6. Hours of operation shall be limited to the following: 6:00 a.m.-12:00 a.m., daily.
7. All signage on the property shall conform to Article 12 of the Zoning Ordinance. The following types of signs shall be prohibited: inflatable signs, such as balloons; pennants; signs powered by any mechanical means; ground waver (sail banner) signs and pole signs.

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. If the project is phased, development of the initial phase shall be considered to establish the use for the entire development as shown herein. 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.