

DEVELOPMENT CONDITIONS

SE 2013-LE-003

November 18, 2013

The Board of Supervisors to approved SE 2013-LE-003 located at 6717 Spring Mall Drive, Tax Map 90-2 ((1)) 51, to permit a fast food restaurant with no drive-through pursuant to Sect. 4-804 of the Fairfax County Zoning Ordinance, 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. 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.
4. 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 Minor Site Plan entitled "Commercial retail Building Existing, Uptons Building Site," prepared by Frederick Ward Associates, Inc., and dated November 3, 2000 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.
5. Changes to the SE Plat may be permitted without a Special Exception Amendment if (a) the proposed use is a permitted use in accordance with the Zoning Ordinance; and (b) does not involve the circulation, required parking, layout or landscaping of the fast food restaurant as shown on Exhibit A (attached).
6. All parking shall be on site shall be provided in accordance with Article 11 of the Zoning Ordinance.
7. All outdoor lighting shall comply with Part 9, Article 14 of the Zoning Ordinance.
8. All signage shall be in conformance with Article 12 of the Zoning Ordinance.
9. Landscaping shall be provided consistent with Exhibit A (attached), as determined by Urban Forest Management Division (UFMD) within six months of the approval date of this application. The landscaping may be installed at a later date if it is determined by UFMD that modifying the time of planting will improve the survival of the landscaping.
10. The three dead/dying trees on the eastern periphery of the site shall be removed

and replaced with evergreens, within six months of the approval date of this application. The species and locations of the plantings shall be as determined by UFMD.

11. The fast food restaurant use shall only be permitted in the 1,500 SF freestanding building shown on the approved minor site plan.
12. The hours of operation for the fast food restaurant shall be 5:30 AM to 10:00 PM, seven days a week.
13. Trash dumpsters on the site shall be screened with an enclosure with the same architecture as the existing 1,500 SF freestanding building on the site, with brick colored split face block masonry construction.
14. Prior to the issuance of a Non-RUP for the fast food restaurant, the applicant shall contribute \$3,000 to the Lee District Trails Fund.
15. Donation Drop Boxes, used for the collection of clothing and/or other donated materials shall not be permitted on the subject property.
16. Outdoor storage, if provided, shall be limited to the western and southern portions of the lot and shall be screened from properties to the north and east by the existing building.

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, eighteen (18) months after the date of approval unless the use has been established 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.

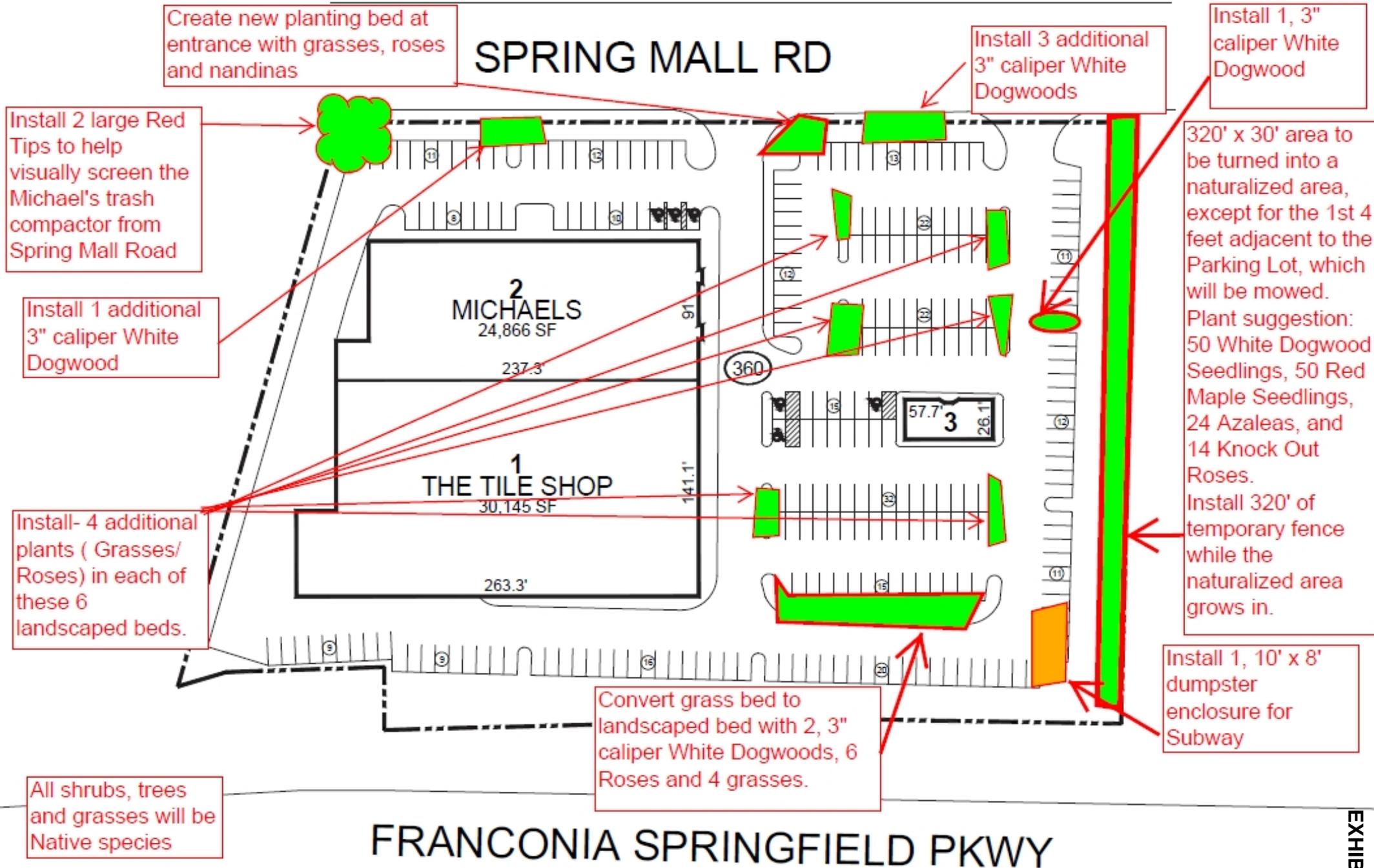


EXHIBIT A

TENANT INDEX		
1	THE TILE SHOP	30,145
2	MICHAELS	24,866
3	SUBWAY	1,500



SPRING MALL CENTER
6717 Spring Mall Rd
SPRINGFIELD, VA 22150

Latitude: 38.7717, Longitude: -77.1775



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3300 Enterprise Parkway, Beachwood, OH 44122
Fax 216 . 755 . 1500 Phone 216 . 755 . 5500