

APPROVED DEVELOPMENT CONDITIONS

SE 2013-SU-017

June 10, 2014

If it is the intent of the Board of Supervisors to approve SE 2013-SU-017, located at Tax Map 34-2 ((1)) 1B (part), to permit a fast food restaurant with drive-through pursuant to Sect. 6-205 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions for the subject property:

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 special exception (SE) plat entitled "Dulles Discovery South Retail" prepared by Kimley-Horn and Associates, Inc., dated July 26, 2013, and revised through May 22, 2014, consisting of 12 sheets, to include Sheet 5 and those elements of Sheets 1, 3, 6, 7, 8, 9, 11, 12, 14, 15, and 16 that are directly related to the fast food restaurant with drive-through, 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. Trash pick-up and deliveries shall be scheduled during times that do not significantly interfere with or impede the normal operations of the uses on Tax Map 34-2 ((1)) 1B.
5. The decibel level of the speaker phone for the drive-through window shall measure no more than 45 decibels at the property line abutting Historic Sully Way.
6. The fast food restaurant owner/operator shall be responsible for the daily removal of litter. On a daily basis, the vicinity of the fast food restaurant shall be inspected and any loose trash shall be picked up and placed in dumpsters.

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.