

APPENDIX 2

PROPOSED DEVELOPMENT CONDITIONS

SEA 87-A-086-02

January 5, 2011

If it is the intent of the Board of Supervisors to approve SEA 87-A-086-02 on Tax Maps 68-1((1)) 9A and 9 pt. previously approved for a child care center with the University Mall Shopping Center to permit a relocation of the child care center, a fast food restaurant with a drive-in, drive-in financial institutions, an increase in building height from 40 feet up to a maximum of 75 feet, a service station with a mini-mart, and other site modifications pursuant to Sect. 4-604 and 9-607 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 previously approved conditions as they pertain to this site (those conditions carried forward from the previous approval are marked 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 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. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception Amendment (SEA) Plat entitled "College Town Associates, L.P....University Mall," prepared by Bohler Engineering dated and sealed on December 2, 2010. 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 Amendment and the Non Residential Use Permits SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. 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. Any signage lighting that faces the residential

communities to the west and south shall be dimmed at least 50 percent from 10 PM to dawn.

6. Parking spaces shall meet the provisions of Article 11 of the Zoning Ordinance and the geometric design standards in the Public Facilities Manual, as determined by DPWES; a parking tabulation which demonstrates that parking requirements are met for every use in the shopping center shall be submitted and approved by DPWES prior to issuance of a Non-Residential Use Permit (Non-Rup) for any additional uses on the property.
7. The eight parking spaces located to the north of Building F shall be removed, relocated or redesigned as approved by FCDOT to minimize potential pedestrian and vehicular conflicts in the travel-way leading to the eastern access point from Braddock Road. Additional landscaping and/or an expanded sidewalk may replace these parking spaces.
8. Pedestrian sidewalks and crosswalks located along the access point leading from George Mason University on Roanoke River Road to the north and the residential community to the south as shown on the GDP/ SEA Plat shall be depicted on the first site plan and shall be completed prior to the issuance of the first Non-residential Use Permit (Non-RUP).
9. Notwithstanding that shown on the GDP/ SEA Plat, an accurate setback from Ox Road for Building H shall be measured and provided on all site plan submissions. If the setback is determined to not meet the Zoning Ordinance requirement of 40 feet in a C-6 District, the applicant shall 1) provide evidence that the existing building has been taxed for a period of 15 years pursuant to Section 15.2307 of the Code of Virginia (which would deem the building as a legal nonconforming use without the ability to expand), or 2) apply for a modification of yard requirement during the first submission of the site plan. In the event that these options fail, the applicant may need to remove the drive-in canopy on Building H to comply with the setback requirement.

Child Care Center

10. The maximum daily enrollment shall be limited to 150 students.*
11. The maximum number of staff for the child care center shall not exceed eighteen (18) persons on site at any one time.*
12. The hours of operation of the child care center shall be limited to 6:00 AM to 7:00 PM, Monday through Friday.*
13. The play area shall include a wooden stockade fencing as shown on the SEA Plat.

14. Cautionary signage shall be provided on or near Building F to enhance safety for pedestrian access to the child care center.
15. The parking area shall not be used for recreational purposes.
16. Based on the minimum required square footage of outdoor play area per child, no more than 50 children shall be in the outdoor play area at any one time.*

Fast Food Restaurant with Drive-in

17. There shall be a maximum of one fast food restaurant in Building G2 which may have a drive-in lane as shown on the SEA Plat.

Building Heights

18. The height of the accent towers on Buildings A, C, and D shall not exceed the maximum heights shown on the GDP/ SEA Plat. No gross square footage as defined by the Zoning Ordinance shall be permitted in the towers. In addition, no flagpoles or temporary signage shall be displayed on the towers.

Service Station

19. There shall be no separate free standing sign associated with the proposed service station/ mini-mart.*
20. The hours of operation shall be limited to 6:00 A.M. to Midnight, seven days a week.*
21. Landscaping shall be provided as shown on the SEA Plat. The service station bay entrance screening shall be evergreen and graduated in height to provide for safety and good visual buffer.*

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-six (36) months after the date of approval unless, at a minimum, the use has been established or construction has

commenced and been diligently prosecuted for one of the buildings in the proposed development options. 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.