

**DEVELOPMENT CONDITIONS**

**SE 2014-MA-013**

**January 6, 2015**

If it is the intent of the Board of Supervisors to approve SE 2014-MA-013, located at Tax Map 61-2 ((17)) (D) 1, 3, 4, and 5 and 61-2 ((18)) 1, 2, 3, 4, and 5 for a special exception to permit a drive through pharmacy and fast food restaurants within shopping center pursuant to Sect. 4-604 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 General Development Plan and Special Exception Plat (GDP/SE Plat) entitled "The Shops at Bailey's Crossroads" prepared by Kimley Horn and Associates, Inc., dated March 31, 2014, as revised through December 31, 2014, consisting of 12 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. No outdoor speakers of any kind shall be utilized on the property.
6. Hours of operation for the drive-through portion of the pharmacy shall be limited to the following: 6:00 a.m.-12:00 a.m., daily.
7. Loading and delivery hours for any tractor-trailer (semi-trailer) visiting the site shall be limited to the following: 5:00 a.m.-7:00 a.m. and 7:00 p.m.-9:00 p.m., daily.
8. There shall be no idling of any commercial vehicle when loading or unloading and signs stating this restriction shall be conspicuously posted in the loading area.

9. All signage on the property shall conform to Article 12 of the Zoning Ordinance except the following types of signs shall be prohibited: monument signs, inflatable signs, such as balloons; pennants; signs powered by any mechanical means; ground waver, sail banner, and pole signs. No lighted or illuminated signs shall be installed on the rear (southwest) sides of the buildings facing residential uses.
10. An information sign shall be posted in the vicinity of the stacking area for the drive through pharmacy stating the limitations on the use of the window service and/or drive-through lane. Such sign shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.
11. No Special Exception Amendment or Proffered Condition Amendment shall be required in the event that the bus shelter shown on the General Development Plan/SE Plat in the right of way along Leesburg Pike near Washington Drive is moved to another location along the property's Leesburg Pike frontage or onto the application property. Any such relocation shall be undertaken in coordination with and subject to approval from FCDOT and shall not reduce the area of the landscaped seating area.

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.