

## PROPOSED DEVELOPMENT CONDITIONS

SEA 87-A-086-03

September 27, 2012

If it is the intent of the Board of Supervisors to approve SEA 87-A-086-03 on Tax Maps 68-1 ((1)) 9A and 9 pt. previously approved for a child care center with a maximum of 150 children; two drive-in financial institutions; a service station with a mini-mart; and an increase in height from 40 feet to 65 feet for architectural towers in the University Mall Shopping Center, to permit a waiver of certain sign regulations and associated modifications to development conditions pursuant to Sect. 9-620 of the Fairfax County Zoning Ordinance, 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 March 11, 2011. 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 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. 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).\*

#### Child Care Center

8. The maximum daily enrollment shall be limited to 150 students.\*
9. The maximum number of staff for the child care center shall not exceed eighteen (18) persons on site at any one time.\*
10. The hours of operation of the child care center shall be limited to 6:00 AM to 7:00 PM, Monday through Friday.\*
11. The play area shall include a six foot tall wooden board on board fence as shown on the SEA Plat.\*
12. Cautionary signage shall be provided on or near Building F to enhance safety for pedestrian access to the child care center.\*
13. The parking area shall not be used for recreational purposes.\*
14. 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

15. 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

16. 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

17. There shall be no separate free standing sign associated with the proposed service station/ mini-mart.\*

18. The hours of operation shall be limited to 6:00 A.M. to Midnight, seven days a week.\*
19. 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.\*

Signage Plan

20. All new signage for the subject property shall be in substantial conformance with the approved Signage Plan Exhibit entitled "Special Exception for Waiver of Certain Sign Regulations, University Mall," prepared by Bohler Engineering, Samaha and Concept Unlimited, Inc. and dated August 31, 2012. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
21. Replacement of signs that are not in conformance with the signage plan may be phased into conformance through the renovation plans per each building referenced on the GDP/SEA Plat associated with SEA 87-A-086-02 and PCA C-083-02, provided that all signage for the renovated building is in conformance with the signage plan prior to the issuance of the first Non-Residential Use Permit for that building. In addition, prior to the issuance of the first Non-RUP for that renovated building, the property owner or responsible party must file sign permit applications for the replacement signs and diligently pursue the Zoning Administrator's approval of the required Sign Permit Application(s).
22. All signs shall be consistent with the color palette, typography and the use of logos indicated in the signage plan. Minor modifications to the color palette, typography, and logos based on final design may be permitted without necessitating a SEA when it is determined by the Zoning Administrator that such modifications are consistent throughout the project and in substantial conformance with the approved SEA.
23. A matrix shall be provided to the Zoning Administrator prior to the issuance of the first sign permit and all subsequent sign permits which includes the tenant name, address, sign type (including temporary signs), sign height, sign area, and Non-Residential Use Permit number and/or any other pertinent information deemed necessary by the Zoning Administrator in order to allow efficient tracking of all signage to be provided on site. Each sign permit shall be accompanied by a letter from the property owner, manager and/or agent of the property stating that the requested sign has been reviewed for compliance with this approval.
24. All freestanding permanent signs shall maintain a minimum five-foot setback from any curb-line, walkway, street right-of-way or other pedestrian or vehicular travel way.

25. In addition to Development Condition 5, signs that require lighting shall be internally illuminated or down-lit to avoid glare and light trespass. No up-lighting shall be permitted on any sign.
26. Pursuant to Section 2-505 of the Zoning Ordinance, all freestanding signs shall be located so as not to restrict sight distance for drivers entering or exiting travel intersections, aisles or driveways.
27. Temporary signs shown on Page 24 of the Signage Plan shall require a sign permit and shall be valid for a maximum of 18 months from the date of issuance of the sign permit.
28. Temporary signs used on site shall conform to Article 12 of the Zoning Ordinance. Temporary signs that are affixed to or clearly visible through windows in commercial establishments advertising the sale or promotion of specific products, services or events may be permitted, provided that those signs are temporary in construction, materials and method of attachment, and shall be removed promptly following the sale or promotion. The aggregate of all such signs at a given establishment shall not cover more than thirty (30) percent of the total window area through which the signs are clearly visible or affixed.

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.