

## TRUSTEES FOR LIVING SAVIOR LUTHERAN CHURCH, SPA 86-S-023-02

1. This approval is granted to the applicant only, Trustees for Living Savior Lutheran Church, and is not transferable without further action of this Board, and is for the location indicated on the application, 5500 Ox Road, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by William H. Gordon Associates, Inc., December 2005, revised through August 9, 2006, signed September 11, 2006, sheets one (1) through ten (10), and approved with this application, as qualified by these development conditions.
3. A copy of this special permit 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.
4. This special permit amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. Upon the issuance of a new Non-RUP, the seating capacity of the main worship hall shall not exceed 400. During the first phase of construction the sanctuary seating may increase to 304 seats. The seating may increase to 400 only with construction of the new parking area bringing the total parking to 179 spaces. Notwithstanding the depiction on the SP Plat of the three phased expansion of the improvements of the property, one or more phases may occur simultaneously.
6. There shall be a maximum attendance at any one time of (ninety-nine) 99 children in the nursery school.
7. Parking shall be provided as depicted on the special permit plat. All parking shall be on site.
8. Transitional screening shall be modified along all lot lines to permit existing vegetation to satisfy the requirements, but shall be supplemented as shown on the plat as variety, size and location of supplemental plantings shall be determined in consultation with the Urban Forest Management (UFM), DPWES.
9. A tree preservation and landscaping plan shall be submitted to the UFM for review and approval at the time of site plan review. This plan shall designate, at a minimum, the limits of clearing and grading as delineated on the special permit plat in order to preserve to the greatest extent possible individual trees or tree stands that may be impacted by construction.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing a minimum of four feet in height to be placed at the dripline of the trees to be preserved. Tree protection fencing in the form of a four foot high 14-gauge welded wire fence attached to six-foot steel posts driven 18 inches into the ground and placed no further than ten feet apart, shall be erected at the final limits of clearing and grading and shown on the erosion and sediment control sheets. Tree protection fencing shall only be required for tree save areas adjacent to clearing and grading activities. The tree protection fencing shall be made clearly

visible to all construction personnel. The fencing shall be installed prior to any construction work being conducted on the application property. A certified arborist shall monitor the installation of the tree protection fencing and verify in writing that the tree protection fence has been properly installed. Three days prior to commencement of any clearing and grading, UFM shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

The trees designated for replanting on the southern portion of the property will be field located as determined in consultation with UFM. If the trees fail to survive within one year they will be replaced as determined necessary by UFM.

10. Foundation plantings and shade trees shall be provided around the church building to soften the visual impact of the structures. The species, size and location shall be determined in consultation with UFM.
11. The barrier requirements shall be modified along the southern and western sides in order to allow the existing board on board fence to remain in its current location inside the property line. The barrier requirement shall be waived along the eastern and northern property boundaries.
12. Interior and peripheral parking lot landscaping shall be provided, at a minimum, in conformance with the requirements of Article 13 of the Zoning Ordinance. Size, species and number of all plantings shall be determined in consultation with UFM.
13. Stormwater management and Best Management Practices (BMP) facilities designed to protect the Occoquan Watershed shall be provided as shown on the Special Permit Amendment Plat. Additional measures such as Low Impact Development (LIDS) methods may be provided as determined by DPWES. The applicant shall enter into an agreement with DPWES, in such a form as required by DPWES, at the time of site plan approval that sets forth a maintenance schedule and procedure for the underground detention facility.
14. Right-of-way dedication shall be provided as depicted on the plat, or as determined by the Department of Transportation and the Virginia Department of Transportation (VDOT). The right-of-way shall be dedicated for public street purposes and shall convey to the Board of Supervisors in fee simple on demand or at the time of site plan approval, whichever occurs first.
15. Any new proposed lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Outdoor lighting fixtures shall not exceed twelve (12) feet in height, measured from the ground to the highest point of the fixture, shall be of low intensity design and shall utilize full cut-off fixtures which focus directly on the subject property. Parking lot lighting shall be turned off one-half hour after any event held at the church except for building mounted security lighting which shall be shielded to prevent off-site glare.
16. An outdoor recreation area shall be provided in accordance with Sect. 8-305.
17. Access to the site shall be provided by Ox Road. No access to the site shall be provided from Fourstairs Court.
18. No outside speakers or public address systems shall be permitted.

19. With the inclusion of revegetated areas depicted on the SPA Plat the total amount of undisturbed open space and revegetated areas as shown on the SP Plat shall not be less than 46% of the total site area.

These conditions supersede all previous conditions. 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 responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. Commencement of Phase I shall establish the use as approved pursuant to this special permit as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. 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.