

DEVELOPMENT CONDITIONS

SEA 2005-SU-007

September 21, 2007

If it is the intent of the Board of Supervisors to approve SEA 2005-SU-007 located at 15451, 15403 and 15315 Lee Highway and 15308 Compton Road, (Tax Map 64-1 ((1)) 8, 9, 25, 26, 27; 64-1 ((3)) 16; 64-2 ((3)) 18; and 64-2 ((5)) 1, 2, 3) previously approved for a place of worship with a nursery school and private school of general education, to permit a place of worship with a child care center and a private school of general education, pursuant to Sect. 3-C04 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 (those conditions carried forward from previous approval are marked with an asterisk):

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 Special Exception Plat entitled "Korean Central Presbyterian Church", prepared by Bury + Partners and dated June 21, 2007 as revised through August 17, 2007,, 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 these special exception conditions shall be posted in both English and Korean in a conspicuous place, and made available to the public and all departments of the County of Fairfax during hours of operation. *
5. The maximum number of seats within the main area of worship and the Chapel combined shall not exceed 2,100. *
6. Services in the Chapel and the main area of worship shall not begin or end within 30 minutes of each other, though the services may overlap. *
7. No regular evening church services shall be scheduled which commence between 4:30 pm and 7:30 pm, Monday through Friday evenings. *
8. Construction of the church shall be in substantial conformance with the architectural elevations shown on the SE Plat. Building materials shall primarily consist of masonry, which may include brick or pre-cast concrete, and glass. Vinyl siding, aluminum siding, or cinder block shall not be utilized on the main church buildings (except on the rectory). Final architectural elevations, final landscape plans, and final grading plans shall be forwarded to the Planning Commission for administrative review prior to site plan approval. *
9. Any cellar space provided shall be limited to a maximum of 5,600 square feet, and shall be used only for loading, storage and mechanical equipment. *
10. All signage shall be in conformance with Article 12 of the Zoning Ordinance. No more than one free-standing sign shall be installed on the subject property. Such sign shall be a

monument sign a maximum of four feet in height, in substantial conformance with that shown on the SE Plat. *

11. No retaining walls in excess of two feet in height shall be constructed unless they are shown on the SE Plat. Any retaining walls constructed shall be in substantial conformance with the details shown on the SE Plat. *
12. The rectory shall be utilized for housing only for clergy and/or another employee of the Church. *
13. A sanitary sewer easement, in a location acceptable to the Applicant and Fairfax County, shall be provided for the benefit of property identified as Tax Map Parcels 64-1 ((3)) 1, 2 and 2A (Parcels 1,2 and 2A). If an appropriate location is identified at time of site plan approval, said easement shall be included and recorded with the applicant's on-site easement plat. In the event that an appropriate location has not been determined at time of site plan approval, said easement shall be granted upon request by either Fairfax County or the owners of Parcels 1, 2 and 2A at no cost to said owners. At such time, the Applicant shall be responsible for granting the easement only, and shall not be responsible for any costs associated with preparing and recording necessary plats. The location of the easement and its future construction shall not interfere with the Applicant's intended use of its property, nor shall the Applicant be responsible for any costs associated with construction and/or future maintenance of the sewer line. Restoration of the Applicant's property subsequent to construction shall be performed in accordance with Fairfax County standards. *

Child Care Center and Private School of Education

14. The Private School of Education shall be limited to grades kindergarten through 2nd grade, with a maximum daily enrollment of 100 students. *
15. The child care center shall be limited to a maximum daily enrollment of 100 children.
16. Hours of operation shall be limited to:
 - (a) Child Care Center: 6:30 AM to 7:00 PM, Monday through Friday.
 - (b) * Private School of General Education Classes: 8:00 AM to 3:00 PM, Monday through Friday; school administration and teacher preparation and administration may be conducted before and after classes. Students enrolled in the private school of general education may participate in before and after school care, which shall not commence prior to 6:30 AM or end after 7:00 PM.
17. The child care center and private school of education shall be subject to Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia, as applicable. *
18. Subject to availability, the applicant shall work with Community Recreational Services (CRS) to permit CRS to schedule recreational activities within the gymnasium. *
19. Subject to availability, the applicant will provide the community mutually agreeable access to the main facility, chapel and sanctuary to support community activities and events (including groups such as homeowners associations, Girl Scouts, and Boy Scouts, and activities such as graduation ceremonies). *

Environmental

20. A Landscape Plan in substantial conformance with that shown on the SE Plat shall be filed with the site plan for review and approval by Urban Forest Management, DPWES (UFM). *
21. A fence shall be constructed around the playground as shown on the SE Plat. This fence shall be solid with no gaps or openings to provide noise attenuation from Route 29 to a maximum of 65 dBA. Such fence shall meet all Zoning Ordinance standards, and shall not exceed a maximum of seven feet in height. *
22. No loudspeakers shall be utilized outdoors on the subject property. *
23. All outdoor lighting shall be in accordance with the provisions of Part 9 of Article 14 of the Zoning Ordinance. The combined height of the parking light standards and fixtures shall not exceed 15 feet, as measured from the ground to the top of the fixture. All parking lot lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use. This shall not preclude the provision of security lighting on the building, so long as such lighting is in accordance with the provisions of Part 9 or Article 14. *
24. The recreational facility shall not be lighted. *
25. A minimum of 58% of the site (net area after dedication) shall be maintained as undisturbed open space. Should dedication for the Tri-County Parkway be required, such area of dedication shall not count against the undisturbed open space area. *
26. Dead, dying, or invasive vegetation may be removed from the undisturbed open space area if approved by UFM. *
27. The applicant shall conform strictly to the limits of clearing and grading as shown on the SE Plat, subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails within of the limits of clearing and grading as shown on the SE Plat, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM, for any areas within the limits of clearing and grading that must be disturbed. *
28. Tree protection fencing consisting of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, shall be erected at the limits of clearing and grading as shown on the SE Plat. All tree protection fencing shall be installed prior to any clearing and grading activities. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, UFM shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM. *
29. Prior to issuance of a Non-Residential Use Permit (Non-RUP), Tax Map Parcels 64-2 ((5)) 1, 2, 3, located on Compton Road, shall be planted with seedlings, to promote reforestation. Seedlings shall be a minimum of three different native tree species suitable for the proposed site conditions, and shall be planted by hand and spaced at appropriate intervals to maximize survival, per specifications included in PFM Section 12-0805.5. Appropriate measures to ensure survival, as recommended by UFM, (such as seedling tubes) shall be provided. This

shall be a one-time commitment; the expenditure on seedlings (exclusive of labor for planting and cost of survival measures/mechanisms) shall not be required to exceed \$2,000. *

30. If DPWES determines that a potential health risk exists due to the presence of asbestos-containing rock or soil on the application property, the applicant shall:
 - (a) Take appropriate measures as determined by the Health Department to alert all construction personnel as to the potential health risks, and
 - (b) Commit to appropriate construction techniques as determined by DPWES in coordination with the Health Department to minimize this risk. Such techniques may include, but are not limited to, dust suppression measures during all blasting and drilling activities and covered transportation of removed materials presenting this risk, and appropriate disposal of such materials. *
31. Should asbestos be found in those areas proposed for outdoor recreation, the applicant shall provide for mitigation or containment methods as deemed appropriate by the Health Department, which may include but shall not be limited to removal of contaminated soil and replacement with uncontaminated soil. *
32. At time of site plan approval, a floodplain study shall be submitted to establish the 100-year flood plain and storm drainage easement within the subject property. Should such study establish a floodplain or storm drainage easement which is not in substantial conformance with the SE Plat, a Special Exception Amendment shall be required. *
33. The stormwater management facility shown on the SE Plat shall be constructed as an Enhanced Extended Detention Facility per the Va. State SWM Handbook, and shall have a low marsh constructed within the lower pond area. *
34. That area shown as undisturbed open space on the SE Plat shall be placed within a conservation easement in a form approved by the Fairfax County Attorney and recorded among the Fairfax County land records. Said easement shall be recorded subsequent to recordation of any necessary utilities and planting of seedlings as described in these conditions. Such conservation easement shall exclude any area potentially necessary for Alignment E or F of the Tri-county Parkway, as depicted on the SE Plat, as well as any area potentially necessary for Alternative G of the Battlefield Bypass. *

Transportation / Parking

35. Right-of-way along Route 29 (for service drive and trail construction) as shown on the SE Plat shall be dedicated to the Board of Supervisors in fee simple at the time of site plan approval or upon demand, whichever occurs first. *
36. If a waiver of construction of the service drive along Route 29 is approved, an escrow shall be provided for construction of the service drive, to include the cost of all necessary utility relocation, in an amount determined by DPWES. If said escrow is not utilized for construction of the service drive within ten years of the date of approval of this application, the escrow may be utilized by DOT and DPWES for other construction projects in the vicinity. *
37. The "proposed gravel access road" parallel to the Route 29 frontage as shown on the SE Plat, may be eliminated and replaced with landscaped open space, subject to DOT approval. *
38. A warrant study shall be performed by the applicant for the intersection of Route 29 and the main property entrance. Should VDOT determine that a traffic signal is warranted, a signal

shall be installed prior to the issuance of a Non-RUP. However, upon demonstration by the applicant that, despite diligent efforts, the improvement has been delayed, the Zoning Administrator may agree to a later date for the installation of the signal. The design and operation of the signal shall be subject to review and approval by VDOT and the Fairfax County Department of Transportation (Fairfax County DOT). *

39. The transition of the eastbound lanes of Route 29 shall be constructed by the applicant as deemed appropriate by VDOT. *
40. Parking shall be provided as shown on the SE Plat. The removal of parking spaces to accommodate dedication for or construction of the Battlefield Bypass may be allowed, so long as such reduction and redesign is in substantial conformance with the SE Plat. *
41. The 198 spaces shown on the SE Plat as "overflow parking" shall be constructed with a pervious surface such as grasscrete pavers. Should a dustless surface waiver for these overflow spaces not be approved at the time of site plan approval, the overflow spaces shown on the SE Plat shall not be constructed and that area shall be maintained as undisturbed open space. *
42. All construction access shall be from Route 29. *
43. No access to the proposed use, including maintenance access, shall be provided from Naylor Road. No parking for the proposed use shall utilize Naylor Road. *
44. No access to the subject property, including maintenance access, shall be provided from Compton Road. *
45. A 200 foot wide corridor for the E or F Alignment of the Tri-county Parkway shall be reserved, as depicted on the SE Plat. In the event an alternative alignment of the Tri-county Connector is selected, and upon completion of construction of the alternative alignment, the Applicant shall be released from the obligation of maintaining the reservation. Should the E or F Alignment be selected, right-of-way as needed shall be dedicated to the Board of Supervisors upon demand, in fee simple and at no cost. *
46. At least three months prior to the issuance of a Non-RUP, the Applicant shall coordinate with the Department of Planning and Zoning (DPZ) and the Fairfax County DOT to review the service times of other churches in the corridor (along Route 29 within 1.5 miles of the application property), and to set appropriate service times for this facility in order to reduce the cumulative impacts on traffic demand. Service times may be adjusted in the future, in coordination with DPZ and Fairfax County DOT. *
47. Notwithstanding, Condition #43 above, access from adjacent Parcel 64-1 ((1)) 29 may be provided to Naylor Road across the application property, provided the owner of said parcel has received all other necessary permissions. This condition shall not obligate the applicant to provide such access, but if provided, said access shall be designed to minimize clearing and grading as deemed appropriate by DPWES, and shall not count against the minimum undisturbed open space requirement.

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 Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment 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.