DEVELOPMENT CONDITIONS

SEA 90-P-031

March 25, 2008

If it is the intent of the Board of Supervisors to approve SEA 90-P-031 located at 7500 St. Philips Court, (Tax Map 60-1 ((1)) 3) previously approved for a nursery school, private school of general education, child care center and public benefit association to permit a place of worship with a child care center, a nursery school, a private school of general education, and a temporary public library on the subject property, pursuant to Sect. 3-404 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 approvals 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 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, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled "Temporary Thomas Jefferson Library at St. Philips Church Site", prepared by Huntley, Nyce and Associates dated August 31, 2007 as revised through February 6, 2008, 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.

Child Care Center, Private School of Education, Nursery School and Public Benefit Association

4. The maximum combined daily enrollment for the nursery school, child care center, and school of general education shall be limited to 270 children.*
5. The public benefit association use shall be limited to organizations affiliated with the place of worship and in accordance with the definition of public benefit association contained in Section 20-300 of the Zoning Ordinance. The maximum number of persons using the 2,000 square feet of office space allocated for the public benefit use shall be ten (10).*
6. The hours of operation for the nursery school shall be limited to 9:00 a.m. to 12:00 p.m.*

7. The maximum hours of operation for the child care for children ages 3-5 shall be 7:00 a.m. to 6:00 p.m.*

8. The maximum hours of operation for the extended day care program shall be 7:00 a.m. to 8:00 a.m. and 3:00 p.m. to 6:00 p.m.*

9. The maximum hours of operation for the kindergarten shall be 9:00 a.m. to 2:30 p.m.*

10. The total number of non-library use employees including teachers and assistants and administrative employees shall not exceed thirty-five (35)*

11. Transitional Screening Yard 1 (25 feet of planted area) shall be provided along the southern, eastern, and western property lines. Existing vegetation may be used to fulfill requirements provided that the existing vegetation is supplemented by additional plantings to meet the intent of Transitional Screening Yard 1 as determined by the Urban Forest Management (UFM).*

12. In order to reduce vehicle traffic through the neighborhood, St. Phillips Church shall establish a carpooling program which coordinates carpool arrangements in order to minimize the total number of vehicles entering and exiting the site each day.*

Place of Worship (Church)

13. A copy of the Special Exception Amendment and the Non-Residential Use Permit 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.*

14. The maximum number of seats in the church shall be 500.*

Environmental

15. Dead, dying, or invasive vegetation may be removed from the undisturbed open space area if approved by UFM. In the event of invasive plant removal, an invasive plant management plan shall be provided for review and approval by Urban Forest Management Division (UFMD), DPWES.

16. Tree Preservation/Limits of Clearing

    A. Tree Preservation: The applicant shall submit a Tree Preservation plan as part of the site plan submission. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

    The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the Minor Site Plan (MSP) and SEA plat. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation,

those areas outside of the limits of clearing and grading shown on the SEA Plat and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and other as necessary, shall be included in the plan.

B. Tree Preservation Walk-Through: The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

C. Limits of Clearing and Grading: The Applicant shall conform strictly to the limits of clearing and grading as shown on the MSP and SEA plat, subject to allowances specified in these conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the MSP and SEA plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

D. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence

does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the SEA Plat, the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of ay existing structures. The installation of all tree protection fencing 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 (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure 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 the UFMD, DPWES.

E. Root Pruning: The Applicant shall root prune, as needed to comply with the tree preservation requirements of these conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

F. Site Monitoring: During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

G. Tree Conservation: The Applicant shall take necessary steps and actions to ensure the long-term survival, and continuing structural integrity and health of trees designated by the Tree Preservation Plan to be conserved. However, if for reasons related to lawfully executed construction practices on the subject property and/or changes in the environment brought about by these construction activities, but not resulting from wrongful or negligent acts on the part of the applicant or the applicant's agents, these trees are found to be dead, dying, diseased, or hazardous (as determined by UFMD at or prior to the final release of the project bond) the applicant shall:

1. Provide for the removal of above ground portion of the trees.
2. Provide for the restoration of any understory plant and soil damage during their removal (as determined by UFMD).
3. Provide for the restoration of the associated loss in canopy coverage in accordance with the tree cover guidance found in the Public Facilities Manual.

If wrongful or negligent acts on the part of the applicant or the applicant's agents caused in whole or in part, these trees to be found to be dead, dying, diseased, or hazardous, as determined by UFMD at, or prior to, the final release of the project Construction Agreement, in addition to the removal and restoration requirements identified above, the applicant shall plant an additional 50% of the loss in canopy coverage in accordance with the tree cover guideline found in the Public Facilities Manual. The additional planting shall be located on the subject property within the limits of clearing and grading or within the subject St. Philips Church property and shall be a minimum of 2½ inch or 3 inch caliper in size at the time of planting, as determined by UFMD after consultation with the District Supervisor. In addition, the County may use other legal remedies at its disposal related to non-compliance, including, but not limited to the fact that a Special Exception Amendment may be required if any proposed remedies are not in substantial conformance with the condition, as determined by the Zoning Administrator.

Parking/Signage

17. The temporary removal of parking spaces to accommodate the temporary public library building shall be allowed, so long as the site design is in substantial conformance with the SEA Plat.

18. Parking shall be provided in accordance with the Zoning Ordinance and consistent with the tabulations for parking on the SEA Plat subject to DPWES approval. Handicapped parking shall be provided in accordance with Code requirements. All parking spaces shall be of a size and the aisles of a width which will meet the Zoning Ordinance requirements and the Public Facilities Manual standards as determined by DPWES and all parking shall be on site.

19. All signage shall be in conformance with Article 12 of the Zoning Ordinance.

Temporary Public Library

20. The hours of operation for the temporary public library shall be limited to Monday through Thursday at 10 am to 9 pm, Friday at 10 am to 6 pm, and Saturday 10 am to 5 pm. The temporary public library shall be closed on Sundays.

21. The total number of temporary public library use employees shall not exceed ten (10).

22. The applicant and Fairfax County Libraries shall coordinate the scheduling of special events with other uses on the site to minimize potential parking and traffic conflicts. The applicant and Fairfax County Libraries shall create documentation of agreed upon dates and times that the temporary public library shall be closed in favor of special events on the site. A copy of the documentation shall be posted in a conspicuous place on the temporary public library building.

23. The approval of the temporary public library on the site shall be limited to a term of thirty (30) months beginning from the date of final approval of this special exception amendment. This term may be extended administratively at the determination of the Zoning Administrator for a period up to 12 months, not to exceed 2 (12 month) extension requests, upon the demonstration that the extension is needed.

24. The one-story, prefabricated building located between the existing convent and rectory buildings shall be used for a temporary public library use only and shall not be used for any other purpose without the approval of an SEA. The applicant shall remove the temporary building within 6 months of the issuance of a non-residential use permit for the renovations of the permanent library facility located at 7415 Arlington Boulevard, and shall restore parking as depicted on the SEA Plat.

25. The applicant shall provide a 2 foot wide asphalt pedestrian walkway, that is marked with appropriate striping, protected from adjacent parking spaces with 6 inch high car bumpers and located along the eastern side of the surface parking lot between the existing rectory and convent, as depicted on the SEA Plat.

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.