

DEVELOPMENT CONDITIONS

SE 2007-MA-021

June 10, 2008

If it is the intent of the Board of Supervisors to approve SE 2007-MA-021 located at Tax Maps 81-1 ((19)) 2 for use as a public benefit association pursuant to Sect. 5-504 of the Fairfax County Zoning Ordinance, the 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 Special Exception Plat entitled "Parking Study: CJM Condominium", prepared by Cervantes and Associates, P.C., consisting of 1 sheet dated January 21, 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.
4. The hours of operation shall be limited to Saturday 8:00 p.m. to 2:00 a.m.
5. Parking for the subject property shall be in conformance with the conditions associated with the Parking Reduction Study #1381-PKS-011-1 as contained in Exhibit A.

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, eighteen (18) months after the date of approval unless, at a minimum, 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.

DEVELOPMENT CONDITIONS

Parking Reduction Study #1381-PKS-011-1

1. A minimum of 48 parking spaces are provided on weekdays and a minimum of 56 spaces are provided on weekends on site at all times for the uses at Shell Oil Park, Lot 11.
2. A maximum of 192 people (seats) are permitted at church services on Friday evening and Sundays, a maximum of 168 people are permitted at the public benefit association on Saturdays, and all vehicles associated with these uses must be parked on site.
3. The operating hours of the church use shall be limited to: Mondays – Fridays, 9 p.m. to 2 a. m.; and Sundays, 9 a.m. to 6 p.m. The public benefit association use shall operate only on Saturdays, 8 p.m. to 2 a.m. and Z Lights and Furniture shall not operate after 6 p.m. on Saturdays.
4. The current owners, their successors or assignees of the parcel identified as Fairfax County Tax Map #081-1-019-001, #081-1-019-002, and #081-1-019-003; shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator requests. Following review of that study, or if a study is not submitted within ninety days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.
5. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia* (County Code) and the Zoning Ordinance in effect at the time of said parking utilization study submission.
6. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board approval.
7. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual (PFM), including the provisions referencing the Americans with Disabilities Act.
8. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.