

## **DEVELOPMENT CONDITIONS**

### **SE 2008-HM-024**

**June 22, 2009**

If it is the intent of the Board of Supervisors to approve SE 2008-HM-024 located at 11506 and 11508 North Shore Drive [Tax Map 17-1 ((1)) 6 and 13] to permit an existing church with a child care center and nursery school with a maximum daily enrollment of 135 children, a building expansion and an increase in the number of seats within the church from 188 to a maximum of 350 seats pursuant to Sect. 6-304, 9-309 and 9-314 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 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 no transferable to other land.
2. This Special Exception is granted only for the purpose(s), structures 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. Any plan submitted pursuant to the special exception shall be in substantial conformance with Special Exception (SE) Plat entitled "United Christian Parish of Reston"; prepared by Burgess & Niple dated June, 2008 as revised through May 2009. 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 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.
5. There shall be a maximum of 350 seats in the sanctuary.
6. The total maximum daily enrollment in the nursery school and child care center programs combined shall be 135, with no more than 105 children on site at any one time.
7. The maximum number of children using the play area at any one time shall be 44.
8. The maximum hours of operation of the nursery school/child care center programs shall be 8:45 am to 4:00 pm, Monday through Friday.

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9. All appliances, fixtures, systems and building components used in the project, as applicable, shall be ENERGY STAR qualified: heating and cooling systems, vending machines, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures, exit signs, programmable thermostats, windows and doors, skylights, computers, monitors, printers, laptops, fax machines, copiers, mailing machines, scanners, kitchen appliances, and televisions and other home electronic equipment such as videocassette recorders and DVD players . Prior to issuance of the Non-RUP, certification of compliance with this commitment shall be submitted to the Environment and Development Review Branch of DPZ. Records of compliance shall be maintained for review and inspection by County Staff.
10. A parking reduction request shall be submitted to DPWES for review and approval as required by Sect. 11-106.3 of the Zoning Ordinance for the church and nursery school/child care center to permit the shared use of the church parking lot for both the church use and the nursery school/child care center uses. If approval of a parking reduction is not obtained, the number of seats in the worship area and/or the number of children in the nursery school/child care center shall be reduced to meet the parking requirements as determined by DPWES, prior to issuance of a new Non-RUP.
11. Parking shall be provided in substantial conformance with that depicted on the Special Exception Plat; or, in the alternative, the northeastern parking lot may be reconfigured as generally depicted on Exhibit A. All parking shall be on site.
12. All drop-off and pick-up activities for the church and nursery school/child care uses shall occur on-site. The bus shelter area along North Shore Drive shall only be used by Fairfax County or WMATA bus services.
13. Prior to the issuance of the first Non-RUP for the proposed development, a 14' x 15' concrete bus pad shall be installed in the location as shown on the Special Exception Plat for future use by Fairfax County or WMATA. Easements shall be provided for the installation of the bus shelter by others.
14. The existing free-standing sign shall be removed and the proposed free-standing entrance sign shall be located as shown on the SE Plat/PRC Plan. All signs including the building mounted sign shall be in accordance with the provisions of Article 12 of the Zoning Ordinance.
15. The parsonage building on Tax Map 17-2 ((1)) 13 shall be demolished.
16. A tree preservation plan shall be submitted as part of the first and all subsequent site plan submissions. The tree preservation plan shall be prepared by a professional, such as a certified arborist or landscape architect, with experience in the preparation of tree preservation plans and shall be subject to the review and approval of Urban Forest Management Division (UFMD). The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition analysis rating for all trees living or dead with trunks 10 inches in diameter or greater (measured at 4.5 above existing grade or as otherwise allowed in the 9<sup>th</sup> edition of the Guide for Plant Appraisal published by

the International Society of Arboriculture) located on the Application Property or off-site within 20 feet of the approved limits of clearing and grading shown on the SE Plat. At a minimum, the tree preservation plan shall provide for the preservation of those areas shown for tree preservation on the SE Plat. 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 designed to enhance the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and installation of cables to reinforce any structural defects and others as necessary, shall be included in the plan.

17. Post-development Condition of Trees. The necessary steps and actions shall be taken to ensure the long-term survival, and continuing structural integrity and health of trees designated to be preserved on the tree preservation plan. If any of these trees is found to be dead, dying, diseased, or hazardous (as determined by UFMD, at or prior to, the final release of the project bond), as a result of unapproved construction activities (also as determined by UFMD), the applicant shall provide for restoration and remuneration by:
  - a. providing for the removal of the above ground portions of trees
  - b. restoring under story plants and/or soil conditions damaged during tree removal activities (as determined by UFMD)
  - c. Restoring the associated loss in canopy coverage in accordance with the tree cover guidance found in the Public Facilities Manual.
  
18. Limits of Clearing and Grading. The site plan shall conform strictly to the limits of clearing and grading as shown on the SE, subject to allowances specified in these development conditions and for the installation of utilities as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities in areas protected by the limits of clearing and grading as shown on the SE, they shall be located and installed in the least disruptive manner possible as determined by the UFMD, DPWES, to minimize impacts to existing vegetation to be preserved. 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.
  
19. Tree Preservation Walk-Through. The services of a certified arborist or landscape architect shall be retained and the limits of clearing and grading shall be 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, or trees located on or immediately adjacent to limits of clearing and grading for which adjustments cannot be made as determined UFMD, 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. Stumps may be cut as close to the ground as practical and left in place. If a stump must be removed, this shall be done using a stump-grinding machine to minimize disturbance to the root zones of other trees and vegetation designated for preservation.

20. Root Pruning. Root pruning shall be done as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site 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 eighteen inches (18").
  - Root pruning shall take place prior to any clearing and grading, or demolition of structures.
  - Root pruning shall be conducted under the direct supervision of a certified arborist.
  - An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
21. 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 demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" development 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 any existing structures. The installation of all tree protection fencing shall be performed with 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.

22. The proposed memorial garden and pervious path accessing the garden shall be field located and designed in coordination with the Urban Forest Management Division to enhance the survivability of the existing trees to be preserved.
23. At the time of landscape implementation, a contiguous mulched area shall be created on the construction side of the limits of clearing and grading adjacent to areas of tree preservation to increase the potential for root development to re-establish in these areas. The mulched area shall be at least six (6) feet wide or the distance to any adjacent hardscape such as sidewalk or other paved surface, whichever is less. Mulch material may be wood chips, generated during clearing operations on the site, or shredded bark. Trees and shrubs planted with the implementation of the landscape plan approved with the site plant may be planted in this mulched area as an extension of the existing woodland area.
24. 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 services of a certified arborist or landscape architect, with experience in tree preservation on construction sites, shall be retained to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, 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.
25. Supplemental landscaping shall be provided along the north, south and southeast property boundaries adjacent to single-family attached uses to ensure that there shall be effective transitional screening as required by Article 13 of the Zoning Ordinance and approved by UFMD.
26. Plantings in the bio-retention facilities shall be maintained by the applicant at a height which will not impede the sight distance from the eastern entrance as determined by FCDOT. In addition, any trees that are determined to be dead or dying shall be removed by the applicant.
27. The bio-retention facilities shall be maintained and kept free from litter and debris by the applicant.
28. Existing lighting, including parking lot, security, and/or other incidental lighting, may remain. All new and replacement lighting and lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance.
29. The eastern entrance shall be built as a two-way entrance only if an off-site sight distance easement from the owner of the adjacent property located at Tax Map Parcel 17-2 ((2)) 4, is obtained prior to site plan approval.
30. On-site stormwater management (SWM) and Best Management Practices (BMPs) facilities shall be provided as shown on the SE Plat/PRC Plan to

satisfy detention and water quality requirements in accordance with the requirements of the Public Facilities Manual and Chapter 118 of the Fairfax County Code as determined by DPWES. If SWM/BMP facilities cannot be provided in substantial conformance with the SE Plat/PRC Plan, then approval of a Special Exception Amendment (SEA) must be obtained to provide water quantity and/or quality control measures in accordance with the Public Facilities Manual (PFM) as determined by DPWES.

31. The SWM/BMP facilities shall be maintained by the Applicant, its successors and assigns, in accordance with the regulations of DPWES. The maintenance responsibilities shall be incorporated in an agreement to be reviewed and approved by the Fairfax County Attorney's Office and recorded among the Fairfax County land records.

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 Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or the construction of Phase I of the church expansion shown on the SE Plat/PRC Plan 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.