

## **DEVELOPMENT CONDITIONS**

**SEA 2002-MA-003**

**December 8, 2008**

If it is the intent of the Board of Supervisors to amend SE 2002-MA-003 located at 3435 Sleepy Hollow Road (Tax Map 60-2((33)) 1A and 1B) previously approved for a church and child care center with a maximum daily enrollment of 99 students and a telecommunications facility, to permit additional antennas on the existing telecommunications facility and modifications to site design and development conditions pursuant to Sect. 3-204 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 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 Amendment 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 DPWES. Any plan submitted pursuant to this special exception amendment shall be in conformance with the approved Special Exception Amendment plat entitled "T-Mobile Northeast LLC, T-Mobile Special Exception Plat, Site Number: WAC283, Site Name Global Signal-Falls Church 3435 Sleepy Hollow Rd, Falls Church, VA 22044", prepared by Walter L Philips, Inc. and Entrex Communications Services Inc., which is dated July 30, 1997 as revised through December 9, 1997 for Sheets Z5A through Z5E (Walter L. Philips, Inc.) and November 2, 2005 as revised through September 9, 2008 for Sheets T-1 through Z-2 and Sheets Z-4 through Z-9 (Entrex Communications Services Inc) and December 20, 2005 as revised through October 3, 2008 for Sheet Z-3 (Entrex Communications Services Inc), and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of this Special Exception Amendment and the Non-residential Use Permit SHALL BE POSTED in a conspicuous place on the property and be made available to all departments of the County of Fairfax during the hours of operation of the permitted church use.\*

**MONOPOLE:**

5. The monopole shall be limited to a maximum height of one hundred and ten (110) feet. The total number of panel antennas shall be limited to a maximum of twenty-seven (27) with nine (9) panel antennas located at the 107 foot level of the monopole, nine (9) panel antennas at the 97 foot level and nine (9) panel antennas at the 87 foot level. The size of each panel antenna shall not exceed the size requirements specified in Par. 3 of Sect. 2-514 of the Zoning Ordinance. In addition, the compound may include equipment cabinets, electric panels, telephone panels and other improvements as depicted on the SEA Plat. The equipment cabinets, panels and other equipment shall be enclosed by an eight (8) foot tall board on board fence and the perimeter shall be landscaped as shown on the SEA plat and as determined necessary by Urban Forest Management Division to provide adequate year-round screening of the ground facilities.
6. The monopole shall be constructed to resemble an evergreen tree as shown on Sheet (Z-3) of the Special Exception Amendment plat, as determined by the Department of Public Works and Environmental Services (DPWES).\*
7. The monopole shall not be lighted, illuminated nor have signal lights unless required by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), or the County.\*
8. In order to ensure conformance with applicable safety standards, the Fairfax County Department of Information Technology (DIT) shall have the option to conduct monitoring of radiation emissions as deemed necessary by the DIT. In the event that the monitoring indicates that the radiation levels exceed the amounts deemed appropriate by the applicable standards, any and all necessary actions determined necessary and approved by DIT shall be taken immediately to comply with accepted standards and agreements and to reduce radiation emissions to meet the applicable standards.\*
9. The monopole and accessory facilities shall be subject to periodic inspections by DPWES and DIT. If any additions, changes or modifications are to be made to the monopole or to related facilities, the Director shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change or modification conforms to all structural and all other requirements of the Virginia Uniform Statewide Building Code (VUSBC). In the event that the results of any monitoring indicate alterations or damage exists to the approved equipment or structures in excess of the extent deemed acceptable by applicable codes and standards, immediate action shall be taken, as deemed necessary and approved by DPWES and DIT, to comply with the applicable codes and agreements.\*

10. Available space on the monopole and for equipment structures shall be made available for lease for telecommunications purposes to other telecommunications operators, including but not limited to Fairfax County, subject to reasonable industry-standard lease terms and fair market rent.\*
11. Prior to site plan and/or building permit approval for Phases 2 and/or 3 of the church, the telecommunications facility shall be dismantled and removed from the site. The area shall be re-vegetated to ensure that the intent of the Transitional Screening Yard 1 is provided as required by the Zoning Ordinance and as determined by the Urban Forest Management Division.\*
12. The monopole, related equipment structures and, to the extent reasonably practical, the subterranean support structures for the monopole shall be dismantled upon the discontinuation of the telecommunications facility on the subject property.\*

**CHURCH:**

13. Phase I of the church shall consist of 235 seats in the main area of worship and 69 parking spaces and does not include any increase in seating; Phase 2 shall not include additional seating capacity and shall provide 10 additional parking spaces (79 total); Phase 3 shall consist of 285 seats in the main church area of worship, and a child care center with a maximum enrollment of 99 children, and shall provide 22 additional parking spaces (101 spaces). At the completion of Phase 3, the maximum number of seats in the main worship area shall be 285, the maximum daily enrollment for the child care center shall be 99 children, and a total of 128 parking spaces shall be provided within the parking areas as shown on the Special Exception Amendment plat. All parking shall be on-site.\*
14. The 30 parking spaces shown along the southern portion of the property adjacent to Parcels 60-2 ((1)) 50 and 60-2 ((23)) 23, may be constructed provided that the area adjacent to the parking spaces between the residential lots to the south is landscaped with additional evergreen plant materials to provide an additional landscape buffer to screen the properties to the south from vehicle lights.\*
15. There shall be a maximum of 99 children served by the child care center, and the hours of operation for the child care center shall be limited to 8:30 a.m. to 12 p.m., and 1 p.m. to 4 p.m., Monday through Friday.\*
16. The church parsonage shall only be used by employees of the church.\*
17. Limits of clearing and grading shall be as shown on the SEA plat, except for minor adjustments necessitated by final engineering required at the time of site plan approval and except that the limits of clearing and grading shall be adjusted so that they come to within 8 feet of the proposed construction of the social hall,

narthex and patio, shown on the SEA plat, subject to the review and approval of the Urban Forest Management Division. Prior to approval of a grading plan or site plan, a tree save plan for the site shall be submitted for review and implemented as approved by the Urban Forest Management Division. The plan shall identify, locate and preserve individual mature, large or specimen trees, as shown on the SEA plat, to the greatest extent possible as determined by the Urban Forest Management Division. Emphasis shall be given to the preservation of the European Beech tree located within the western portion of the property. Subject to the approval of the Urban Forest Management Division, the applicant shall perform the following measures relating to tree preservation on the property.\*

Perform a pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved.\*

The trees designated to be saved shall be marked on the ground with a filter fabric fence or equivalent demarcation prior to clearing the grading and at all times during construction.\*

Signage affirming "restricted access" shall be provided on the temporary fence highly visible to construction personnel.\*

As a result of final engineering in the event the trees designated for preservation cannot be preserved, equivalent tree save areas or equivalent landscaped areas shall be substituted on the site as determined by Urban Forest Management Division.\*

18. If not already done, right-of-way in front of the parsonage as shown on the SEA Plat not to exceed 40 feet from the existing centerline of Sleepy Hollow Road shall be dedicated for public street purposes and shall be conveyed to the Board of Supervisors in fee simple on demand or at the time of site plan approval, whichever occurs first.\*
19. Applicant shall stripe existing pavement for right turn lanes into the property. Pavement striping for right turn lanes shall be provided for each entrance as they are constructed.\*
20. All signage on the property shall conform to the provisions of Article 12 of the Zoning Ordinance.\*
21. The use of loudspeakers shall not be permitted outside of the building.\*
22. Tree Preservation Walk-Through: In order to ensure that tree preservation is done correctly, the limits of clearing shall be flagged with a continuous line of flagging. Three days prior to start of construction Urban Forest Management Division (UFMD) staff shall be notified and given the opportunity to walk the limits

of clearing. During the tree preservation walk-through UFMD staff shall 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. Any such field adjustment shall be implemented by Applicant. 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 chainsaw 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.

23. Tree Preservation Fencing: All trees shown to be preserved on SEA plat 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 Erosion and Sediment Control plans. 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 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 UFMD, DPWES.

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. (Evidence of a non-residential use permit for the third telecommunication carrier, shown as the "Proposed T-Mobile Panel" on Sheet Z-3 of the SEA Plat, shall constitute the use.) 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 Amendment. 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.