

## **DEVELOPMENT CONDITIONS**

### **SE 2007-SP-022**

**July 23, 2009**

If it is the intent of the Board of Supervisors to approve SE 2007-SP-022, located at 7230 Sydenstricker Road and 8500 Hooes Road, Tax Map 89-3 ((1)) 14 and 15, for a church with a nursery school and child care center and a telecommunications facility (90 ft tall flagpole), pursuant to Sect. 3-104 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 previously approved conditions (conditions carried forward from SPA 78-S-264-5 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, consisting of 12 sheets, entitled "Sydenstricker - Springfield" prepared by Entrex Communications Services, Inc., and dated May 5, 2004, as revised through July 16, 2009, 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 maximum seating capacity for the main place of worship shall be limited to 300 seats. \*
5. The hours of operation for the nursery school/child care program shall be limited to 8:30 a.m. to 4:00 p.m., Monday through Friday. \*
6. The combined maximum daily enrollment of the nursery school and child care program shall be ninety-nine (99). \*
7. Parking shall be provided as shown on the SE Plat. Prior to approval of a Non-residential Use Permit for more than 89 children in the child care center / nursery school (combined) a shared parking agreement shall be approved between the church and the child care center / nursery school.

8. There shall be no church parking in the driveway adjacent to the structures used for the Sunday school rooms. The driveway shall be for the use of the parsonage only. \*
9. All signs on the property shall conform with Article 12 of the Zoning Ordinance. \*
10. The applicant shall take all necessary actions to correct any drainage deficiencies on site, as determined by the Director of the Department of Public Works and Environmental Services (DPWES). There shall be no exacerbation of off-site runoff of stormwater associated with the use on the site. \*
11. Routine maintenance shall be performed on the existing drainage and detention facilities as follows: Sediment and debris shall be cleared from the six foot swale behind Lot 122 leading to the detention pond and; weeds shall be cut (and cuttings removed) from the pond between Lots 123 and 124. This maintenance function shall be performed as often as required in order to minimize the off site drainage impact, and at least annually. \*
12. Prior to the issuance of a Non-RUP, a concrete loading pad and any easements necessary to allow public access and construction of a shelter by others shall be provided at the western bus stop on Hooes Road, or a bench shall be provided at the eastern bus stop on Hooes Road.
13. A CG-11 entrance shall be constructed for the gravel entrance to the telecommunications facility compound, to VDOT standards.
14. 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.
15. If waivers for stormwater management and best management practices are not granted, a special exception amendment shall be required to provide such facilities on the site.
16. The telecommunications facility shall be a maximum of 90 feet in height, as shown on the SE Plat.
17. No signals, lights or illumination shall be permitted on the flagpole unless required by the Federal Communications Commission, the Federal Aviation Administration or the County. This shall not prohibit the lighting of the flag at night, in accordance with protocol, as provided for on the SE Plat.

18. All antennas and related equipment cabinets or structures shall be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.
19. Prior to the issuance of any land disturbing permits for the telecommunications facility, the Virginia Department of Historic Resources (VDHR) shall be contacted to revise the Sec.106 of the National Historic Preservation Act of 1966, as amended, review. If, due to the revision, any findings of adverse effect are made, those effects shall be mitigated to the satisfaction of VDHR, which may require a special exception amendment.

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, thirty (30) 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.