

DEVELOPMENT CONDITIONS

SEA 95-S-038-02

January 27, 2010

If it is the intent of the Board of Supervisors to approve SEA 95-S-038-02 located at Tax Map 88-1 ((1)) 10 (6398 Nativity Lane) to amend SE 95-S-038 previously approved for a place of worship, private school of general education, and nursery school to permit building additions and site modifications pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions shall supersede previous development conditions for the area subject to this application. Conditions which are substantively the same and which have been carried forward from the previous application are indicated 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 for only the purpose(s) and/or use(s) indicated on the special exception plat approved with this application, as qualified by these development conditions which supersede all previous special permit and special exception conditions.*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in conformance with the approved Special Exception plat entitled "Church of the Nativity", prepared by Bowman Consulting Group, Ltd., dated May 29, 2009 as revised through January 22, 2010, consisting of six sheets, and these conditions.
4. The maximum number of seats in the main area of worship shall be 800.*
5. The combined maximum daily enrollment of the private school of general education and the nursery school shall be 450. The school of general education shall be for grades K through 8. Upon issuance of a Non-RUP for this Special Exception Amendment, the nursery school shall have no more than 100 students enrolled at any one time and no more than 40 students on site at any one time.
6. The hours of operation for the private school of general education and the nursery school shall be from 7:00 a.m. to 10:00 p.m., Monday through Friday, and no later than 11:00 p.m. on weekends and holidays or special events.*

7. Activities associated with the place of worship shall conclude no later than midnight, exclusive of special services associated with religious holidays.
8. The number of children using the 44,800 square foot outdoor recreation area as shown on the SEA Plat at any one time shall not exceed that required by the standards set forth in Section 9-309 (Additional Standards for Child Care Centers and Nursery Schools) and 9-310 (Additional Standards for Private Schools of General Education and Private Schools of Special Education) of the Zoning Ordinance, which currently require the following: 100 square feet of outdoor recreation area per child using the space at any one time for the child care center; 200 square feet per child in grades K-3; and 430 square feet per child in grades 4-12.
9. Parking spaces shall be provided as shown on the special exception plat. However, parking may be reduced to 290 spaces, if necessary to reconfigure the entrance as required by development condition number 13, below.*
10. Transitional Screening shall be provided at a minimum width of seventy-five (75) feet along the western lot line from the northwest corner of the site to a point approximately 300 feet south of the northwest corner. In this area and along the southern lot line, existing vegetation may be used and/or supplemented to satisfy the requirement of Transitional Screening 1 as determined by UFM.*
11. In the fifty (50) foot wide vegetated strip located in the recreation area, high quality existing mature deciduous trees shall be saved and undergrowth removed and replaced with mulch or other appropriate material as determined by the UFM. The tree preservation in this area shall serve as additional screening for the use and shall provide shade for the recreational uses which may occur in this area.
12. In lieu of the barrier standards as set forth in the Zoning Ordinance, the six (6) foot high chain link fence (including a lockable personnel gate) as shown on the plat shall remain.
13. At such time as Old Keene Mill Road is improved to a divided facility by others, the applicant shall provide interparcel access to Lot 11 located to the immediate east, within a public access easement.*
14. Within 30 days of the approval of this Special Exception Amendment, the applicant shall submit a request to reevaluate the need for crossing guards, a painted crosswalk, signage and/or flashing warning lights on Old Keene Mill Road, to the Fairfax County Police Department, School Safety Section and VDOT. Any such safety features which are deemed necessary by the Police/VDOT shall be provided by the applicant expeditiously.*
15. A policy shall be created to encourage the use of a walking plan and/or a carpool drop-off plan for the students and parents of the school. This plan shall

include procedures for supervised release of walking students at pre-determined points, recommended walking routes, and procedures for parents who drop-off or pick-up students.*

16. No amplified speakers/bells shall be used outside the school building. Hand bells and whistles may be used by administrators and teachers during organized activities.*
17. The nursery school shall be subject to the regulations of Chapter 30 of The County Code, (e.g., indoor recreation space), Title 63.2, Chapter 17 of the Code of Virginia and all other applicable County, State and Federal regulations.
18. The additional square footage for the school (approximately 15,000 square feet) shall not be regularly used by the place of worship during church services to ensure that the number of vehicle trips to the site is not increased during the peak operating hours of the place of worship, which is the principal use on the property.
19. Right of way up to fifty-one (51) feet from the centerline of Old Keene Mill Road along the entire Old Keene Mill Road frontage of the site shall be dedicated to the Board of Supervisors, in fee simple, at the time of site plan approval or within sixty (60) days upon demand by DPWES or VDOT, whichever occurs first. All ancillary easements along the Old Keene Mill Road frontage of the site shall be conveyed to the Board of Supervisors at the time of site plan approval or within sixty (60) days upon demand by DPWES or VDOT, whichever occurs first.
20. Prior to dedication as described in condition #18, a license agreement shall be entered into by the applicant with VDOT to permit the existing structures, landscaping, and parking areas to remain in the right of way along Old Keene Mill Road, including in the area to be dedicated on those roadways, as shown on the Special Exception Amendment Plat. If a license agreement cannot be obtained, or at such time as road improvements are made, the church shall be permitted to re-locate their sign, subject to the provisions of Article 12, out of the right-of-way, directly to the north/west of its current location, without the need for a special exception amendment.
21. New parking lot lighting shall be installed in accordance with the outdoor lighting standards as set forth in Section 14-900 of the Zoning Ordinance. The proposed parking lot light fixtures shall be fully shielded and International Dark Sky (IDA) approved. Exclusive of security lighting, outdoor lighting shall be turned off no later than 12:30 a.m. Motion detectors may be installed on parking lot and security lighting as a security measure.
22. Trash removal shall be scheduled to occur no earlier than 6:00 a.m.

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 the use has been established as evidenced by the issuance of a new Non-Residential Use Permit. If the project is phased, development of the initial phase shall be considered to establish the use for the entire development as shown herein. The Board of Supervisors may grant additional time to establish the use 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.