

DEVELOPMENT CONDITIONS

SE 2012-PR-010

March 8, 2013

The Board of Supervisors approved SE 2012-PR-010 located at 2589, 2593, and 2595 Chain Bridge Road, Tax Map 38-3 ((1)) 34, 35, 38A, to permit expansion to an existing place of worship and child care center and to establish a school for general education pursuant to Sect. 3-304 of the Fairfax County Zoning Ordinance, and conditioned 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. Other by-right, special permit, and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
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 GDP/Special Exception Plat entitled Emmanuel Lutheran Church, prepared by Walter L. Phillips, Inc., as revised through January 3, 2013, 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 sanctuary shall be limited to 366 seats through Phase 1. Thereafter, when the sanctuary is expanded, the maximum seating capacity shall be 576. The expansion of the sanctuary may include the steeple shown on the elevations on Sheet P-0304 of the Generalized Development Plan/Special Exception (GDP/SE) Plat.
5. Prior to the Phase 1 construction, the maximum daily child care enrollment shall not exceed 99 children. The maximum daily child care center enrollment shall not exceed 184 children in Phase 1 and shall not exceed 220 children in the ultimate development of the site.
6. The hours of operation for the child care center and private school of general education shall be limited to 6:30 A.M. to 7:00 P.M., Monday through Friday, year round.

7. The maximum daily enrollment for the private school of general education shall not exceed 40 students.
8. The number of children using the outdoor play area shown on the GDP/SE Plat at any one time shall not exceed the standards set forth in Section 9-309 and Section 9-310 of the Zoning Ordinance.
9. The child care center shall be subject to the applicable regulations of Chapter 30 of the Fairfax County Code and/or Title 63.2, Chapter 17 of the Code of Virginia.
10. There shall be a minimum of 149 parking spaces provided on-site prior to the construction of Phase 1.
11. There shall be a minimum of 209 parking spaces provided on-site prior to the ultimate development of the site.
12. The air conditioning unit adjoining the existing play area, shown on Sheets P-0201 and P-0301 of the GDP/SE, will be operated in such a manner that it will not cause a violation of the noise regulations set out in the Code of Fairfax County, as it may be amended, at the southeast property line. In the event there is a violation of the noise regulations caused by that air conditioning unit, the Applicant shall either replace the unit with a unit which does not violate the noise regulations or enclose or otherwise modify the original unit so that it does not violate the noise regulations. In the event the Applicant for any reason replaces the air conditioning unit, the replacement unit shall be a quieter model and shall not violate the noise regulations.
13. When the masonry wall is constructed as part of Phase I, it shall be constructed in the location shown on Sheet P-0301 of the GDP/SE Plat and may also extend southwest to the existing Town of Vienna water easement shown on Sheet P-0301. In this area of extension, the masonry wall may be constructed in lieu of the wood fence shown on Sheet P-0301 of the GDP/SE Plat, provided that the wall does not impact stormwater drainage to the stormwater infiltration facility to the south. The wall may contain openings at the base to permit drainage. The alignment of the wall extension may shift slightly from the location shown for the wood fence, and adjustments to the limits of clearing, tree preservation areas, and proposed landscaping may be made to accommodate the extension of the wall. The wood fence shown on Sheet P-0301 of the GDP/SE Plat shall be constructed if impacts to stormwater drainage from the masonry wall cannot be mitigated.

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 (Non-RUP) 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, six (6) months after the date of approval unless a Non-RUP for a child care center with a maximum of 99 children which cites this Special Exception has been issued. This Special Exception as it relates to Phase 1 and later phases shall automatically expire, without notice, five (5) years after the date of approval unless construction of Phase 1 has commenced and been diligently prosecuted. Commencement of construction of Phase 1 shall confirm Applicant's right to build all subsequent phases and establish all subsequent uses. The Board of Supervisors may grant additional time to obtain a Non-RUP for the child care center which cites this Special Exception and/or to commence construction of Phase I if a written request for additional time is filed with the Zoning Administrator prior to the appropriate 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.

