



FAIRFAX COUNTY

APPLICATION FILED: October 27, 1999
AMENDED: October 4, 2005
BOARD OF ZONING APPEALS: December 20, 2005
TIME: 9:00 a.m.

V I R G I N I A

December 13, 2005

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SPA 80-D-068

DRANESVILLE DISTRICT

APPLICANT: Trustees of Chesterbrook Methodist Church

ZONING: R-2

LOCATION: 1711 Kirby Road

ZONING ORDINANCE PROVISIONS: 3-203

TAX MAP: 31-3 ((1)) 119

LOT SIZE: 3.9 acres

F.A.R.: 0.20

PLAN MAP: Residential 1-2 du/ac

SP PROPOSAL: To permit an existing church with private school of general education to increase enrollment, add a child care center, construct an addition to the building, and reconfigure the parking area.

STAFF RECOMMENDATION: Staff recommends approval of SPA 80-D-068, but only with the adoption of the Proposed Development Conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334.

DESCRIPTION OF THE APPLICATION**Special Permit Request:**

A request to permit an existing church to construct an 18,030 square foot addition to a 10,870 square foot private school building; to increase enrollment for the private school from 165 to 225 students; add a child care center for up to 40 children, and modify parking area by reassigning parking space locations, constricting the entrance width, and adding 20 grass-crete parking spaces.

	<u>Existing</u>	<u>Proposed</u>
Site size:	3.9 acres	no change
Parking:	48 spaces	68 spaces (74 required)
FAR:	0.09	0.20
Gross Floor Area:	15,720 sq ft.	33,750 sq ft.
Number of Church Seats:	125	no change
School Employees:	25 employees	30 employees
Enrollment (School):	165 students	225 students
Enrollment (Child Care Center):	N/A	40 children
School hours:	9:00 a.m. – 3:15 p.m., weekdays	no change
Child Care hours:	N/A	7:00 a.m. – 7:00 p.m., weekdays

Waivers and Modifications:

A modification of the transitional screening requirements and waiver of barrier requirements are requested along the northern, eastern, and western lot lines in favor of existing deciduous trees and other landscaping.

LOCATION AND CHARACTER

Existing Site Description: The subject property is located on the east side of Kirby Road, just north of the Kirby Road/Old Dominion Drive intersection in the Dranesville District. The site currently contains a 4,850 square foot church sanctuary, and a 10,870 square foot building containing office and classroom space for the school. The current site contains trees along its eastern boundary, open space, and shrubs of varying density. A 15 foot wide utility easement traverses the southern portion of the site.

BACKGROUND

Site History:

The existing church building was constructed in 1920, prior to the requirements for special permit approval. The education building was constructed in 1963, though the use had not yet been established. In 1973, S-40-73 was approved for a grade school of 75 children, including music instruction and ballet rehearsal. Per County records, this use was eliminated by Chesterbrook Methodist Church on December 9, 1982. A copy of the development conditions adopted and plat approved under S-40-73 are contained in Appendix 4.

In 1980, the private school was approved for an increase in student enrollment and operating hours under application S-80-D-068. A copy of the development conditions adopted and plat approved under S-80-D-068 are contained in Appendix 5.

In 1999, this application, SPA 80-D-068, was originally submitted, and indefinitely deferred at the applicant's request. The applicant amended the application in October, 2005, and a new hearing date was scheduled.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single Family Dwellings	R-2	Residential 1-2 du/ac
South	Chesterbrook Shopping Center	C-5	Commercial
East	Single Family Dwellings	R-2	Residential 1-2 du/ac
West	Single Family Dwellings	R-1; R-3	Residential 0.5 du/ac; 2-3 du/ac

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area II, McLean Planning District
Planning Sector: Kirby Community Planning Sector (M3)
Plan Map: Residential; 1-2 du/ac

ANALYSIS**Special Permit Plat** (Copy at front of staff report)

Title of SP Plat: Chesterbrook United Methodist Church Centennial Ministry Center
Special Permit Amendment Plan

Prepared By: Charles F. Dunlap, Walter L. Phillips, Inc.

Dated: Cover page: July 29, 2005, revised through December 7, 2005
Remainder of plat: July 29, 2005, revised through November 21, 2005

Proposed Use:

There are two existing structures on site. The 4,850 square foot church containing 125 seats was built 85 years ago and is situated approximately 37 feet from the front lot line. The 10,870 square foot education building is located in the center of the site, almost 200 feet behind the church building. The applicant requests permission to construct an 18,030 square foot addition to the existing school, to permit an increase in enrollment for the school, add a child care center for up to 40 children, and to modify the parking area. No changes are proposed to the existing church building itself.

The site is accessed via an existing driveway from Kirby Road. The applicant proposes

to reduce the width of the curb cut along Kirby Road, and repave and expand the parking lot boundaries as shown on the SP plat.

The existing pre-K through 6th grade private school wishes to increase enrollment from 165 students to 225 students. To facilitate the additional students, the church would like to expand this school building. The proposed addition, comprised of 18,030 square feet of classroom and office space, would be constructed along the north and northeast sides of the building. The addition fronts to a proposed drop off area for students and children. School hours are from 9:00 a.m. to 3:15 p.m. Preschoolers are released at 12:00 noon.

The applicant also wishes to add a child care center for up to 40 children. The center will operate within the building addition between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. A total of 30 employees will be on site during the day at the school and the childcare center.

The applicant proposes the operation of modular classrooms totaling 840 square feet to be positioned to the rear of the existing school building until completion of the proposed addition. An existing paved play area is also proposed to be expanded to 24,000 square feet, containing mulched areas with playground equipment. The existing site entrance is undefined and runs 90 feet along the lot line with Kirby Road; the proposed entrance will be reduced to approximately 40 feet wide. An existing parking area containing 48 parking spaces is proposed to be expanded and striped. The northern portion of the parking lot, comprising 20 spaces, will be paved with grass-crete, resulting in 68 total spaces.

A bioretention pond is proposed to be located east of the grass-crete parking area. Additionally, 3 Filterra™ bioretention filters will be installed throughout the parking area. A 0.62 acre conservation easement of upland hardwood forest is proposed to border the northern and eastern lot lines of the site. A modification of the transitional screening requirements and a waiver of barrier requirements are requested along the northern and eastern lot lines in favor of existing deciduous trees and other landscaping. A 15 foot wide sewer easement runs along the southern boundary.

Land Use Analysis

There is no site-specific text regarding the subject parcel contained within the Comprehensive Plan. The Kirby Community Planning Sector is characterized by stable residential development. Many lots contain mature trees. Chesterbrook Methodist Church has been operating in the neighborhood for nearly 100 years. The property contains several mature trees and landscaped yard. The property is particularly well-screened along the northern and eastern boundaries, bordering single family dwellings. There are no land use issues regarding this application.

Transportation Analysis (Appendix 6)

Issue: Parking spaces in front of church

As originally submitted, the applicant proposed 8 new parking spaces (4 handicapped) to be located just inside the property line along Kirby Road, across from the church building. Staff requested that the applicant delete these parking spaces to prevent handicapped worshippers from having to cross the main driveway so near to the site entrance. Additionally, staff felt that during Sunday mornings the entrance could become congested due to cars pulling in and out of these spaces, located between 30 and 120 feet from the Kirby Road entrance. A revised plat dated November 7, 2005, deleted these parking spaces and replaced them with seven spaces (2 handicapped) located directly adjacent to the church. While this improvement prevents handicapped worshippers from crossing the driveway, it does not address parking-related entrance congestion.

Staff recommended the removal of the four parking spaces in favor of the provision of two handicapped spaces only, located in front of the church, but no closer than 90 feet from Kirby Road with an ADA-approved loading area in between them.

Resolution

A revised SP plat dated November 21, 2005, did not remove the parking spaces in question. Development condition 11 has been provided to address this issue, which requires the placement of two handicapped parking spaces no less than 90 feet from Kirby Road. Only with the adoption of the development conditions is this issue resolved.

Issue: Amount of parking spaces

The applicant proposes 68 parking spaces. Seventy-four are required, based on the uses proposed. The applicant has provided sufficient evidence that the childcare center and school uses will not share operating hours with the church use. Additionally, the applicant has assured staff that no simultaneous events involving different uses will occur. Approval of a parking reduction by DPWES is required to permit less than the required number of spaces to be provided. The applicant will need to submit an application to DPWES based on the fact that the uses do not operate simultaneously.

Resolution

Development Condition 5 has been provided to address this issue which requires the applicant to apply for a shared parking reduction. If the reduction is not approved, the number of children in the school or childcare center, or number of seats in the church must be reduced. Only with the adoption of the development conditions is this issue resolved.

Environmental Analysis (Appendix 7)

Issue: Tree save

The central portion of the subject property is primarily cleared with the exception of a specimen tree in the side yard closest to the existing parking lot. On the special permit plat, this tree is located to the immediate southeast of the proposed bioretention area (the canopy encircles the words "FT. BOARD –"). This tree falls within the limits of clearing and grading. Staff requested that the applicant preserve this tree. In addition, there are two mature dogwood trees in the center of the existing circular driveway which is proposed to be realigned. These trees should be saved or relocated if possible.

Resolution

Development Conditions 18, and 20 have been included requiring the applicant to consult with Urban Forestry Management (UFM) to explore options in regard to tree save. With the adoption of proposed development conditions, this issue has been resolved.

Stormwater Management Analysis (Appendix 8)

Issue: Stormwater Detention/Site Outfall

The applicant has indicated that stormwater detention requirements will be satisfied with the installation of an underground vault in the form of a pipe. Staff recommends that the underground detention vault have an inlet that is separate from the outlet structure to facilitate drainage.

Additionally, the description of the outfall conditions indicate that there are sections of the natural stream along the outfall area that have velocities in excess of those appropriate for natural channels. The applicant must adequately address how the outfall will be improved.

Resolution

The applicant did not provide any additional information. Proposed development condition numbers 13 and 14 have addressed these concerns by requiring the applicant to provide an inlet that is separate from the outlet structure, and more-precisely address outfall requirements to meet DPWES standards. Only if the proposed development conditions are adopted will these issues be resolved.

ZONING ORDINANCE PROVISIONS

R-2 DISTRICT REGULATIONS	REQUIRED	PROVIDED
Bulk Regulations R-2		
Lot Size	15,000 sq ft.	3.9 acres
Lot Width	125 feet	135 feet
Building Height	60 feet	35 feet
Front Yard	40° ABP but not less than 35 feet	23 feet
Side Yard	40° ABP but not less than 15 feet	15 feet
Rear Yard	40° ABP but not less than 25 feet	25 feet
FAR	0.20	0.20
Parking		
Parking Spaces	Church: 32 School: 34 Child Care Center: 8 Total: 74 spaces*	68 spaces

* = The required parking for a place of worship with 125 seats at one space per four seats, 30 school employees with visitor parking, and 0.19 spaces per day care center child.

Standard	Required	Provided
Transitional Screening		
North (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Existing deciduous vegetation and planted shrubs for extent of lot line, 21 to 35 feet in width
South (shopping center)	None	Existing sparse deciduous vegetation (utility easement)
East (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Existing deciduous vegetation and planted shrubs for extent of lot line, approximately 50 feet in width
West (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Existing planted shrubs for extent of lot line, 5 to 10 feet in width
Barrier		
North (single family residential)	Barrier D, E or F	Existing intermittent 3 ft. split-wood fence
South (shopping center)	None	Existing intermittent 6 ft. board on board fence
East (single family residential)	Barrier D, E or F	Existing intermittent 6 ft. board on board fence
West (single family residential)	Barrier D, E or F	None

WAIVERS/MODIFICATIONS REQUESTED

Waiver/Modification: A modification of the transitional screening requirements and a waiver of barrier requirements is requested along all lot lines except along the southern lot line.

Basis: Par. 3 of Sect. 13-304 states that transitional screening and barrier requirements may be waived or modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through the combination of architectural and landscaping techniques.

The conservation easement proposed for the northern and eastern lot lines adequately addressed transitional screening requirements. The northern portion of the easement is proposed to contain a 21 to 35 foot wide area of mature deciduous trees. The eastern portion of the easement is proposed to contain a 50 foot wide area of mature deciduous trees. These easement areas will function to reduce the visibility and sound of school-related uses.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (Appendix 9)

- General Special Permit Standards (Sect. 8-006)
- Group 3 Standards (Sect. 8-303)
- Additional Standards for Private Schools of General Education and Private Schools of Special Education (Sect. 8-307)
- Additional Standards for Churches with a Child Care Center (Sect. 8-308)

Summary of Zoning Ordinance Provisions

Staff believes that the subject application has satisfied all applicable standards with the adoption of the development conditions outlined below.

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and applicable Zoning Ordinance provisions as outlined above only with the adoption of the development conditions.

RECOMMENDATIONS

Staff recommends approval of the use only with adoption of all Proposed Development Conditions (contained in Appendix 1 of the Staff Report).

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Approved Development Conditions and Plat, S-40-73
5. Approved Development Conditions and Plat, S-80-D-068
6. Transportation Analysis
7. Environmental Analysis
8. Stormwater Management Analysis
9. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS**December 13, 2005**

If it is the intent of the Board of Zoning Appeals to approve SPA 80-D-068 located at Tax Map 31-3 ((1)) 119, pursuant to Section 3-103 of the Fairfax County Zoning Ordinance to permit a church with a child center and private school, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from the previous special permit are marked with an asterisk (*). Minor edits have been made to conform to current standards. Edits have been underlined.

1. This approval is granted to the applicant only, Trustees of Chesterbrook Methodist Church and is not transferable without further action of this Board, and is for the location indicated on the application, 1711 Kirby Road, and is not transferable to other land.*
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Charles F. Dunlap (Walter L. Phillips, Inc.) dated July 29, 2005 revised through December 7, 2005 (cover page), and July 29, 2005 revised through November 21, 2005 (remainder of plat), and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit 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.*
4. This Special Permit Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. All parking shall be on-site, as depicted on the special permit plat. The applicant shall obtain approval of a parking reduction through DPWES as required by Sect. 11-106.3 of the Zoning Ordinance prior to issuance of a new Non-RUP for the church, school of general education, or child care center to permit the shared use of the church parking lot for the church use, school use, and child care use. 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 school of general education or child care center shall be reduced to meet the parking requirements as determined by DPWES.
6. Upon issuance of the Non-RUP for this special permit, the total maximum daily enrollment in the private school of general education shall not exceed 225.
7. Upon issuance of the Non-RUP for this special permit, the total maximum

enrollment in the child care center shall not exceed 40.

8. The child care center's maximum hours of operation shall be 7:00 A.M. to 7:00 P.M., Monday through Friday.
9. The private school of general education's maximum hours of operation shall be 9:00 A.M. to 3:15 P.M., Monday through Friday.
10. The temporary trailer shall be removed prior to the issuance of the Non-RUP for the addition or within five (5) years of approval of the special permit amendment, whichever occurs first.
11. Notwithstanding that which is depicted on the Special Permit Plat, the four (4) parking spaces depicted closest to Kirby Road shall be removed. Two (2) handicapped parking spaces depicted on the special permit plat shall remain, and shall be a minimum of 90 feet from Kirby Road, with an ADA-approved loading area between them.
12. The Church and school/child care center-related events shall not be held simultaneously.
13. The outlet/inlet structures shall be provided to the satisfaction of DPWES. If such cannot be achieved in substantial conformance with the special permit plat and these conditions, an amendment to this special permit may be required.
14. Adequate outfall shall be provided to the satisfaction of DPWES. If such cannot be achieved in substantial conformance with the special permit plat and these conditions, an amendment to this special permit may be required.
15. Transitional screening shall be modified along all lot lines to permit existing vegetation and landscaping as shown on the special permit plat to, at a minimum, meet the transitional screening requirements. Additional plant material may be required if determined necessary by Urban Forest Management to meet the intent of Transitional Screening I along the northern and eastern lot lines.

Plant selection, including size, species, and number shall be coordinated with Urban Forestry Management (UFM).
16. The barrier requirement shall be waived along all lot lines in favor of that shown on the special permit plat.
17. Lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. There shall be no uplighting on site, including any sign or the building. The lights shall be turned off when the site is not in use, except for security lighting.
18. The applicant shall conform strictly to the limits of clearing and grading as shown on the special permit plat subject to the installation of utilities or trails as

determined by the Director of DPWES, except as noted in Condition 20.

19. The proposed conservation easement areas, totaling 0.62 acres, shall remain undisturbed. The tree save areas depicted in the special permit plat shall be protected by tree protection fencing in the form of four (4) foot high, 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. Prominent signs shall be placed on the fencing "TREE SAVE AREA – DO NOT DISTURB" to prevent construction from encroaching on these areas. The tree protection fencing shall be made clearly visible to all construction personnel, and shall be installed prior to any clearing and grading activities on the site. The installation of tree protection fencing shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, gardening or demolition activities, the Applicant's certified arborist shall verify in writing that the tree protection fencing as been properly installed.
20. The applicant shall consult with UFM to determine if the tree located southeast of the proposed bioretention area (canopy encircles the words "FT. BOARD –") can be saved based on the health and location of the tree. If determined worthy of preservation, tree protection shall be provided as outlined in Condition 19.
21. Stormwater Management/Best Management Practices facilities shall be provided as depicted on the Special Permit Plat or as determined by DPWES, provided, however, no additional vegetation shall be cleared over that which is shown on the plat. Bioretention/infiltration trenches and/or other low-impact design techniques for stormwater management and Best Management Practices shall be provided around the perimeter of the parking lot, in the parking lot islands or in other areas on site as determined feasible by DPWES.
22. At the time of site plan approval the applicant shall grant an eight foot wide public trail easement along Kirby Road's frontage as depicted on the special permit plat, except in front of the church where a six foot wide public trail easement may be provided.
23. The architecture of the church shall be in substantial conformance as depicted in the elevation included in Attachment 1.
24. All signage, both existing and proposed, shall satisfy requirements contained in Article 12 of the Zoning Ordinance.

These conditions incorporate and supersede all previous conditions. 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.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently pursued. The Board of Zoning Appeals may grant additional time 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 permit. 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.