APPLICATION FILED: July 6, 2005
PLANNING COMMISSION: March 2, 2006
MOVED AT APPLICANT'S REQUEST
BOARD OF SUPERVISORS: Unknown

County of Fairfax, Virginia

February 16, 2006

STAFF REPORT

APPLICATIONS RZ 2005-PR-023 and SEA 85-P-093

PROVIDENCE DISTRICT

APPLICANT:	The Most Reverend Andrew Pataki, Bishop of the Eparchy Catholic Church of Passaic, New Jersey
PRESENT ZONING:	59-1 ((1)) 21 → R-2 59-1 ((7)) 1, 2 → R-1
REQUESTED ZONING:	R-2
PARCEL(S):	59-1 ((1)) 21 (4.78 acres) 59-1 ((7)) 1, 2 (1.10 acres)
ACREAGE:	5.88 acres
FAR/DENSITY:	0.11
OPEN SPACE:	N/A
PLAN MAP:	Residential
PROPOSAL:	Request to rezone 5.88 acres from the R-1 and R-2 District to the R-2 District for an existing place of worship with a child care center previously approved under Special Permit and Special Exception to construct a new sanctuary and site modifications.

O:\svarga\RZ & SEA concurrent\Epiphany-Church of Passaic RZ 2005-PR-023 & SEA 85-P-093\Staff report\RZ 2005-PR-023, SEA 85-P-093 Epiphany-Church of Passaic.doc

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2005-PR-023, subject to proffers consistent with those contained in Appendix 1.

Staff recommends approval of SEA 85-P-093, subject to development conditions contained in Appendix 2.

Staff recommends approval of a modification of transitional screening and a waiver of the barrier requirement along the northern, western, and the unfenced portion of the southern lot lines subject to the proposed development conditions.

Staff recommends denial of a waiver of the interior parking lot landscaping requirement.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, The Most Reverend Andrew Pataki, Bishop of the Eparchy Catholic Church of Passaic, New Jersey, requests approval of a Rezoning of 1.10 acres (Lots 1 and 2) from R-1 to R-2 and Rezoning of Lot 21 (4.78 acres) from R-2 to R-2 to allow for a consolidated development plan to permit the construction of a new church building and site modifications, and requests approval of a SEA to permit a previously-approved child care center to remain. The existing church use was approved previously under Special Permit. The existing child care center use was approved previously under Special Exception.

The requested building addition will include a new 7,416 square foot, two-story church sanctuary with 294 seats, which is an increase of 144 seats. The church will contain 7 classrooms to provide meeting space for religious education classes, and a library. The church is proposed to be located on the parcels identified as 59-1 ((7)) 1 and 2 (Lots 1 and 2). Two single-family dwellings, owned by the church, will be removed to allow the construction of the proposed building. The church is administered by 5 staff members.

Existing church-related buildings include a 5,890 square foot, two-story building which currently serves as the church. This building, located in the center of the site, will have all the seats in the sanctuary removed in favor of additional accessory office space. Additionally, it may contain space for the child care center and a church-related gift shop. The child care center, approved under SE 85-P-093 in 1986, allows for up to 140 children to be enrolled (ages 0-6 years). No increase in enrollment is being requested. The child care center is currently administered by 20 employees, including 17 teachers and three staff aides.

The hours of operation are proposed to continue without modification. The current hours of operation are as follows:

Services:	Monday through Saturday, 10:00 a.m. Sunday, 8:00 a.m. and 10:30 a.m.
Religious education:	Sunday, 9:30 a.m. – 10:30 a.m.
Child care center:	Monday through Friday, 6:30 a.m. – 6:30 p.m.
Gift shop:	Sunday, 9:30 – 10:00 a.m.; 12:00 p.m. – 12:30 p.m.

A 5,850 square foot, two-story rectory located in the western portion of the site and a 9,700 square foot fellowship hall located in the northwest portion of the site will remain also. Together, the site will contain 28,856 square feet of church-related space. This equates to a proposed FAR of 0.11.

One hundred seventeen (117) parking spaces are currently onsite. Six (6) additional spaces will be provided. The church use necessitates 74 spaces, or a ratio of 1 parking space per 4 seats. The child care center requires 23 spaces, in addition to the office use (21 spaces), the rectory (2 spaces), and the proposed auditorium (100 spaces) for a total requirement of 220 spaces. Cumulatively, 123 parking spaces will be provided. The applicant will be requesting a parking reduction to be processed by DPWES based on the justification that simultaneous large events will not be held on site.

Site modifications include the construction of a 25 foot tall functional bell tower near the entrance, a 5,760 square foot stormwater management pond in the northeast, two BMP infiltration trenches (one near the SWM pond, one to the northwest), a walking trail through Lots 1 and 2, and the installation of deciduous and evergreen plantings amounting to Transitional Screening 1 (TS1) to the south and southwestern lot lines, and a row smaller plantings along the eastern boundary (Woodburn Road).

Waivers & Modifications Requested:

- Modification of transitional screening in favor of that shown on SEA Plat.
- Waiver of barrier on north, south (part), and west lot lines in favor of existing vegetation and proposed buffering
- Waiver of interior parking lot landscaping requirement

LOCATION AND CHARACTER

Site Description:

The subject property consists of 5.88 acres located on the west side of Woodburn Road just south of the intersection at Woodburn Road and Tobin Road, west of I-495, in the Providence District. The northern lot (Lot 21) currently contains three church-related buildings: a sanctuary, a fellowship hall, and a rectory. This lot also contains a large parking area, and sparse landscaping and vegetation. The main entrance is comprised of a driveway that leads into the site from Woodburn Road. There is a back entrance leading from Knox Road which borders Lot 21 to the west. Lots 1 and 2 are located to the south and contain two vacant single family dwellings. These lots are otherwise forested. Lots 1 and 2 have separate driveways leading from Woodburn Road. A 20 foot wide sanitary sewer easement traverses Lot 21 east to west.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single Family Detached	R-1	Residential, 0.5-1 du/ac
South	Single Family Detached	R-1	Residential, 0.5-1 du/ac
East	Parkland	R-2	Residential, 1-2 du/ac
West	Single Family Detached	R-1	Residential, 0.5-1 du/ac

BACKGROUND

The original church building was constructed in the early 1970s, which predates the requirement in the Fairfax County Zoning Ordinance for special exception or special permit approval. Since that time, the Church has received approval for multiple special permits and a special exception. On March 28, 1973, the BZA approved S-44-73 to permit construction of a temporary classroom building for Sunday school classes. On March 14, 1978, the BZA approved S-30-79 to permit the temporary classroom building to continue to be used for Sunday school classes and for a school of special education for 25 students. On May 5, 1981, the BZA approved S-81-P-012 to permit the continuation of the existing uses of the temporary building. On June 8, 1982, the BZA approved S-82-P-027 to permit construction of a new rectory to replace the existing temporary rectory. On March 6, 1984, the Fairfax County Board of Zoning Appeals (BZA) approved SPA 82-P-027-1 to allow a reconfiguration and relocation of a previously approved rectory, construction of a new hall with 400 seats and educational classrooms, and the addition of 59 parking spaces. On January 27, 1986, the Fairfax County Board of Supervisors (the Board) approved SE 85-P-093 to permit operation of a child care center with an enrollment of up to 140 children. The approved development conditions associated with the most recent special permit and special exception are contained in Appendices 5 and 6, respectively.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: III

Planning District: Fairfax

Planning Sector: Mantua (F2)

Plan Map: Residential

Plan Text:

The Fairfax County Comprehensive Plan, Area II, 2003 edition as amended through December 6, 2003, Fairfax Planning District, Mantua Community Planning Sector (F2), beginning on page 33 states:

"5. Commercial development in this sector should be limited to those areas designated for commercial use on the Plan map. Existing commercial uses generally should not be intensified, except minimally for modernization or beautification. Additional landscaping and buffering between commercial and residential uses and carefully designed pedestrian connections to adjacent residential areas are strongly encouraged, where appropriate."

ANALYSIS

GDP/Special Exception Plat (Copy at front of staff report)

Title of GDP/Special Exception Plat:	Epiphany of Our Lord, 3408 Woodburn Road
Prepared By:	Blake A. Smith (Loiederman Soltesz Associates, Inc.)
Original and Revision Dates:	June 2, 2005, as revised through February 10, 2006 (page 1), January 9, 2006 (page 2), February 10, 2006 (page 3), September 16, 2005 (page 4), December 7, 2005 (page 5), January 9, 2006 (page 6), January 26, 2006 (page 7)

Description of Plat:

The combined GDP/Special Exception Plat consists of 7 sheets. **Sheet 1** is the on-rail GDP/SE plat site design, and includes a legend, vicinity map, sheet index, parking tabulations, parking narrative, soils map, and notes. **Sheet 2** includes bulk plane profiles. **Sheet 3** is the Best Management Practices (BMP) and Stormwater Management (SWM) information, including a drainage area map, stormwater narrative, calculations, and outfall narrative. **Sheet 4** shows the existing vegetation map. **Sheet 5** depicts the architectural elevations. **Sheet 6** contains the storm sewer outfall plan and profile exhibit. **Sheet 7** shows the landscaping plan, as proposed.

Uses

The applicant proposes a place of worship with 294 seats, which constitutes an increase of 144 seats above the current approval. The child care center will remain with enrollment for up to 140 children ages 0-6 years. No increase in enrollment is being requested. The new structure will contain 7 classrooms to provide meeting space for religious education classes, and a library.

Lots 1 and 2

Much of the proposed construction will occur in Lots 1 and 2, located in the southern portion of the property. The church building being proposed in the center of Lots 1 and 2 includes 7,416 square feet of gross floor area. The building's architecture adheres to a traditional Byzantine style. The church is two stories, and measures 27 feet in height, with a 58 foot steeple (not included in height calculation).

The main entrance to the new structure is on the eastern side, which abuts a vehicular turnaround with a 30 foot radius. This turnaround will allow wedding and funeral related vehicles, as well as handicapped patrons to gain access to the main entrance. This turnaround will feature stylized pavers which differentiate them from existing pavement through the site. Three handicapped spaces are contained toward the southern end of the turnaround. These spaces will be designated by a different paver as well.

A semi-circular shaped walking trail extends to the western edge of the church to the eastern edge. A six foot wide service drive extends along the western edge of the church for approximately 50 feet. The GDP/SE Plat depicts two existing single-family dwellings that will be demolished during construction of the new church. The curb cuts will be removed, and existing curb and gutter will be restored along Woodburn Road. A proposed right of way dedication is being proposed, measuring 10 feet in width along the length of Lot 1.

The GDP/SE Plat indicates that nine trees will be saved in Lots 1 and 2. Additionally, an evergreen hedge is proposed for the extent of Lot 1 and 2 frontage along Woodburn Road. Further plantings are depicted on the Plat along the entire extent of the southern and western property lines.

Lot 21

Proposed changes within Lot 21, located north of Lots 1 and 2, include the installation of a 5,760 square foot stormwater management pond in the northeast. The pond features a 12 foot wide gravel access road, and a BMP infiltration trench near the southern section of the pond. A second BMP infiltration trench is located in the northwest portion of the site which features a level spreader to better dissipate the flow.

A 25 foot tall, 144 square foot functional bell tower will be erected near the entrance. The bell tower will be on an electronic timer scheduled to ring to indicate the commencement of 8:30 a.m. and 10:00 a.m. services on Sundays, at 10:00 a.m. on other days, and during other significant events for a duration of one minute.

Lot 21 is currently screened by approximately 25 feet of existing deciduous vegetation along the extent of its northern boundary. Similarly, the western lot line contains 25 feet of existing deciduous vegetation along most of the boundary. The exception is a 20 foot wide sanitary sewer easement, just west of the existing rectory. To the east, the applicant proposes to plant an unbroken evergreen hedge along the entire lot line bordering Woodburn Road.

No other changes are proposed for Lot 21. A 9,370 square foot play area behind the fellowship hall will remain. All access and the majority of parking on site is located within Lot 21. Access to the site is provided through a full-access main entrance onto Woodburn Road. A second access point is along the western property boundary onto Knox Road. This access is utilized primarily by Knox Road residents.

Parking is spread evenly throughout the site intended to provide convenient parking to the three existing and remaining structures. Multiple drive aisles are currently located throughout the site, which features many curbs and bump-outs. Parking consists of 123 spaces on site.

Land Use Analysis

The Comprehensive Plan recommendations for this site state that, in general, uses requiring Special Exception or Special Permit approval should be limited to those areas designated for commercial use on the Plan map. Existing commercial uses generally should not be intensified, except minimally for modernization or beautification. Additional landscaping and buffering between commercial and residential uses and carefully designed pedestrian connections to adjacent residential areas are strongly encouraged, where appropriate.

The building additions and site modifications have been designed to provide minimal impact upon the surrounding residential uses by locating the building centrally on the site, and by incorporating new transitional screening and supplental landscaping with existing vegetation, particularly along the western boundaries of Lots 1 and 2. It is Staff's belief that with the proposed development conditions, the applications satisfy these design guidelines by committing to construct a church building that is compatible with the surrounding residential properties.

Environmental Analysis (Appendix 7, Appendix 8)

Issue: Site Outfall

Despite staff requests to include this information in the stormwater narrative, the applicant has not provided evidence that the condition of the outfall downstream is adequate. The applicant inaccurately states in the Adequate Outfall Narrative on Sheet 3, "…since this outfall is located at the 100 year floodplain of Accotink Creek and the total contributing area is not greater than [100 times the site area] the outfall is deemed adequate per the definitions found in the PFM." The analysis must go downstream to a point which is at least 100 times the site area, or one square mile. Therefore, the analysis must go at least to Accotink Creek, which is about 1900 feet from where the storm system ends with the Coleridge Subdivision rather than 480 feet as stated in the narrative. The statement must be revised as appropriate.

Resolution

The applicant has to provide the necessary information and calculations to achieve an adequate outfall. A development condition has been proposed which requires the applicant to provide a revised adequate outfall narrative and calculations at the time of site review. With the proposed development conditions, this issue is resolved.

Issue: Tree save

A number of specimen trees are located on Lots 1 and 2, and these trees are critical to maintaining the wooded character of the site and larger surrounding area. An initial GDP/SE Plat did not identify any trees for preservation. The applicant was encouraged to consider relocating the building or reducing the limits of clearing and grading to better facilitate tree save opportunities.

Resolution

A revised GDP/SE Plat dated January 26, 2006, on page 7 depicts a total of 9 trees identified for tree save. Furthermore, the applicant has proffered to develop a comprehensive landscape plan that incorporates preservation of the most valuable trees and native vegetation.

Transportation Analysis (Appendix 9)

Issue: Entrance design/circulation

The site design indicated on the GDP/SE Plat will not accommodate the most efficient movement of traffic in and out of the site, and is expected to result in on site congestion and numerous vehicular and pedestrian conflicts in the proximity of the entrance from Woodburn Road. To compensate for the poor design, staff believes that access from Woodburn Road should be channelized and signed for

right turn movements only immediately west of the proposed circle and east of the new church. The channelization would limit travel between the existing and proposed churches to a one way eastbound travel lane because the aisle between the old and existing church buildings (containing a crosswalk) is only 18 feet in width. Furthermore, this would limit vehicle/pedestrian conflicts.

Resolution

The applicant has not addressed this concern. Therefore, staff has provided a development condition that requires installation of directional signage that directs most traffic to turn right upon entering the site, thus preventing queuing at the Woodburn Road entrance, and providing an orderly, counterclockwise traffic flow through the site. With the adoption of the proposed development conditions, this issue is resolved.

Public Facilities Analyses

Northern Virginia Soil and Water Conservation District (Appendix 10)

This analysis notes that if the application is approved, adequate perimeter erosion and sediment control measures must be installed prior to the start of any construction. Furthermore, the developer is responsible in ensuring that no disturbed area is left unprotected for more than 14 days.

Fairfax County Water Authority (Appendix 11)

The subject property is located within the Fairfax County Water Authority service area. Adequate domestic water service is available at the site from existing 12-inch, 6-inch, and 3-inch water mains located at the property.

Fire and Rescue (Appendix 12)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #423, Annandale West. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

Fairfax County Park Authority (Appendix 13)

The Fairfax County Park Authority (FCPA) has determined that the subject applications bear no adverse impact on land or resources of the FCPA.

ZONING ORDINANCE PROVISIONS

Bulk Standards (R-2)		
Standard	**Required**	**Provided**
Lot Size	36,000 square feet	256,342 square feet
Lot Width	100 feet	101 feet
Building Height	60 feet	27 feet
Front Yard	45° ABP, but not less than 40 feet	Current: approx. 120 feet Proposed: 40 feet
Side Yard	40° ABP, but not less than 20 feet	Current: approx. 119 feet Proposed: 20 feet
Rear Yard	40° ABP, but not less than 25 feet	Current: approx. 62 feet Proposed: 25 feet
FAR	0.20 maximum	0.11
Open Space	N/A	N/A
Parking Spaces	220	123

** = 1 parking space per 4 seats, 2 per residence (rectory), 3.6 per 1000 sq ft office, .16 per child care center enrollment: Fellowship hall omitted*

Standard	Required	Provided
Transitional Screening		
North (Residential)	T/S 1 - 25 feet in width, planted with evergreen trees or a mixture of evergreen and deciduous trees	Existing vegetation consisting of upland forest; T/S area ranges up to 40 feet wide
South (Residential)	T/S 1	Existing vegetation, planting of deciduous and evergreen mix; T/S area 25.0 feet wide
East (Parkland) **R-2 Zoning**	T/S 1	Planting of evergreen hedge for extent of lot line

Standard	Required	Provided
West (Residential)	T/S 1	Existing vegetation consisting of upland forest; T/S area approx. 25 feet wide
Barrier		
North (Residential)	Barrier D, E or F	None
South (Residential)	Barrier D, E or F	Installation of 220 foot long chain-linked fence (to southwest); none to south
East (Residential)	None	None
West (Residential)	Barrier D, E or F	Temporary fence to be provided during construction

Waivers/Modifications

The applicant is seeking a modification of the screening requirements in favor of the existing proposed landscaping shown on the GDP/SEA Plat and a waiver of the barrier requirement along the northern, western, and a portion of the southern lot lines in favor of existing vegetation and proposed buffering. These lot lines are general screened by deciduous and evergreen foliage. This, in combination with supplemental planting as determined by UFM, constitutes adequate buffering to the north, south, and eastern lot lines. Staff recommends approval of a waiver of barrier requirement along these lot lines and a modification of transitional screening subject to development conditions

The applicant also seeks a waiver of the interior parking lot landscaping requirement. Art. 13, Sect. 201 states: “Any parking lot of twenty (20) or more spaces shall be provided with interior landscaping covering not less than five (5) percent of the total area of the parking lot.” This requirement is reiterated in previously approved development condition #10, contained in SE 85-P-093, and brought forth in the proposed development conditions for this application. It is unlikely that the applicant has fulfilled this Zoning Ordinance requirement, based on the existing parking lot landscaping provided on site. Furthermore, the

applicant is not proposing any increase in parking lot landscaping, despite the request to increase the parking spaces from 117 to 123.

The Board, in conjunction with the approval of a rezoning or special exception, may approve a waiver or modification of the requirements of this Section where such waiver or modification will not have any deleterious effect on the existing or planned development of adjacent properties. Due to the visibility of the site from Woodburn Road, and proposal of a short evergreen hedge for screening, staff has suggested that the applicant provide landscaping trees on the many parking lot islands and bumpouts that currently exist on site, thereby fulfilling Zoning Ordinance requirements and the previously approved development conditions.

The applicant has not provided additional parking lot landscaping and will be seeking a waiver of this requirement. Staff does not support a waiver of the interior parking lot landscaping requirement. A development condition requiring the fulfillment of previously approved development condition has been proposed to address this issue.

Special Exception Requirements (Appendix 14)

General Special Exception Standards (Sect. 9-006)

General Standard 1 requires that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan. As mentioned in the Land Use Analysis, the applicant intends to construct a new church building in the southern part of the site. The building additions and site modifications have been designed to provide a minimal impact upon the surrounding residential uses by incorporating new transitional screening and supplental landscaping with existing vegetation, particularly along the western boundaries of Lots 1 and 2. It is Staff's belief that the applications satisfy these design guidelines by committing to construct a church building that is compatible with the surrounding residential properties. This standard is satisfied.

General Standard 2 requires that the proposed uses be in harmony with the general purpose and intent of the applicable zoning district regulations. The proposal meets the bulk regulations of the R-2 District. This standard is satisfied.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping should be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. Staff believes the application as proposed meets this standard only if proffers and proposed development conditions are approved.

General Standard 4 requires that the proposed use be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. As mentioned in the Transportation Analysis, the overall site design indicated on the GDP/SE Plat as shown will not accommodate the most efficient movement of traffic in and out of the site, and will result in on site congestion and numerous vehicle to vehicle and vehicle to pedestrian conflicts in the proximity of the entrance from Woodburn Road. To compensate for the poor design, staff has provided a development condition that requires on-site signage to direct traffic to turn right upon entering the site, thus preventing queuing at the Woodburn Road entrance, and providing an orderly, counterclockwise traffic flow through the site. With the adoption of the proposed development conditions this issue is resolved.

General Standards 5, 6, 7 and 8 require landscaping, screening, open space, adequate utility, drainage, parking, loading, and signage to be regulated in accordance with the Zoning Ordinance; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance. The applicant is seeking a modification of screening and a waiver of barrier requirements along the northern, western, and part of the southern lot lines in favor of proposed plantings and existing vegetation. Staff supports approval of a modification of screening and this waiver of barrier requirement with the proposed development conditions. The applicant is also seeking a waiver of the interior parking lot landscaping requirement. In Sect. 2 of Art. 13, it states that any parking lot of 20 or more spaces shall be provided with interior landscaping covering not less than five percent of the total area of the parking lot. Such landscaping shall be in addition to any planting or landscaping within six feet of a building, planting or landscaping required as peripheral planting. Landscaping should be spread evenly throughout the site. The applicant is not proposing an addition to current interior parking lot landscaping which amounts to sporadic vegetation. Additionally, as mentioned previously, the applicant has not fulfilled previously approved development conditions related to the provision of adequate interior parking lot landscaping. Staff believes this landscaping should be provided, per Zoning Ordinance requirements. The Board, in conjunction with the approval of a rezoning or special exception, may approve a waiver or modification of the requirements of this Section. Such waiver or modification may be approved if its effect will not have any deleterious effect on the existing or planned development of adjacent properties. Staff does not support the modification in this case. Staff has formulated a development condition to address this issue. With the adoption of the development conditions, this standard is satisfied.

The proposal requires approval of a parking reduction processed by DPWES to satisfy Zoning Ordinance Provisions for parking. This will be addressed at the time of Site Plan Review.

Standards for all Category 3 Uses (Sect 9-304)

All Category 3 uses must also comply with the lot size and bulk requirements of the zoning district as well as the performance of the Zoning Ordinance and shall be subject to site plan approval; the application meets these requirements.

Additional Standards for Child Care Centers and Nursery Schools (Sect. 9-309)

Additional Standard 1 states that in addition to complying with the minimum lot size requirements of the zoning district the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. The GDP/SE Plat shows a playground of 9,370 square feet; sufficient outdoor recreational space is available to meet this standard.

Additional Standard 2 requires access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic. Pedestrian and vehicular access points include Woodburn Road to the east, and Knox Road to the west. This standard is met.

Additional Standard 3 states that all such uses shall be located so as to permit the pick-up and delivery of all persons on the site. As mentioned in the Transportation Analysis, site design prevents good circulation on site. This standard is met only with the adoption of proffers and development conditions intended to improve site circulation.

Additional Standard 4 states that the use shall be subject to the regulations of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia. Staff has proposed a development condition which specifies this.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant, The Most Reverend Andrew Pataki, Bishop of the Eparchy Catholic Church of Passaic, New Jersey, requests approval to rezone the 5.88 acre property from R-1 and R-2 to R-2 to allow for a consolidated development plan, to permit the construction of a new church building and site modifications, and requests approval of a Special Exception Amendment to permit a previously-approved child care center to remain. This application is in harmony with the Comprehensive Plan and in accordance with the applicable Zoning Ordinance provisions, with the proffers contained in Appendix 1 and development conditions contained in Appendix 2.

Recommendation

Staff recommends approval of RZ 2005-PR-023, subject to proffers consistent with those contained in Appendix 1.

Staff recommends approval of SEA 85-P-093, subject to development conditions contained in Appendix 2.

Staff recommends approval of a modification of transitional screening and a waiver of the barrier requirement along the northern, western, and the unfenced portion of the southern lot lines subject to the proposed development conditions.

Staff recommends denial of a waiver of the interior parking lot landscaping requirement.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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 Supervisors.

APPENDICES

1. Draft Proffers
2. Proposed Development Conditions with Attachment 1
3. Affidavits
4. Statement of Justification
5. Previously Approved Development Conditions and Plat for SPA 82-P-027-1
6. Previously Approved Development Conditions and Plat for SE 85-P-093
7. Environmental Analysis
8. Stormwater Management Analysis
9. Transportation Analysis
10. Northern Virginia Soil and Water Conservation District
11. Fairfax County Water Authority
12. Fire and Rescue
13. Fairfax County Park Authority
14. Special Exception Requirements
15. Glossary

APPENDIX 1

DRAFT PROFFERS

RZ 2005-PR-023

February 10, 2006

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, the Most Reverend Andrew Pataki, Bishop of the Eparchy Catholic Church of Passaic, New Jersey (hereinafter referred to as the "Applicant"), for himself, his successors and assigns in RZ 2005-PR-023, filed for property identified as Tax Map reference 59-1 ((7)) 1, 2; 59-1 ((1)) 21 (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the R-2 District in conjunction with a Generalized Development Plan (GDP) for a place of worship and child care center. If accepted, these proffers shall replace and supersede any previous proffers approved on the Application Property.

GENERALIZED DEVELOPMENT PLAN

a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property for use as a place of worship and child care center shall be in substantial conformance with the GDP, entitled "Epiphany of Our Lord" consisting of seven (7) sheets prepared by Loiederman Soltesz Associates, Inc., dated June 2, 2005 and revised through February 10, 2006.

b. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the layout at time of site plan submission based on building footprints, final engineering, and utility locations, provided that the changes are in substantial conformance with the GDP, and there is no substantial decrease to the amount of open space, setbacks, or distances to peripheral lot lines as dimensioned on the GDP.

LANDSCAPING AND OPEN SPACE

a. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of Urban Forestry Management (UFM) Branch, of the Department of Public Works and Environmental Services (DPWES). The tree preservation plan shall consist of tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the GDP. The tree preservation shall provide for the preservation of those areas shown on the tree preservation plan, those areas outside of the limits of clearing and grading shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the *Guide for Plant Appraisal* published by the International Society of Arboriculture. Specific tree preservation activities that will

maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

b. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved, including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Any removal of any vegetation or soil disturbance in tree preservation areas, including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of UFM.

The use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rake and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM.

c. The Applicant shall 1) root prune, and 2) provide 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 10 feet apart, or other forms of tree protection fencing approved by UFM for all tree preservation areas. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by UFM accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- An UFM representative shall be informed when all root pruning and tree protection fence installation is complete.

d. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with UFM representative to 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, and such adjustment shall be implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw 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.

e. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in 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 demolition, and phase I & II erosion and sediment control sheets, as may be modified by Proffer 2.c above.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, UFM and the Providence District Supervisor 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 UFM.

The demolition of existing features and structures shall be conducted in a manner that does not impact on individual trees and/or groups of trees that are to be preserved as reviewed and approved by UFM. Methods to preserve existing trees may include, but not be limited to, the use of super silt fence, welded wire tree protection fence, root pruning, and mulching as approved by the UFM.

f. During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the landscaping plan, and reviewed and approved by UFM.

g. A reforestation plan for areas where structures were removed as described in Proffer 2.e, and that area surrounding the stormwater management pond, shall be submitted concurrently with the first and all subsequent site plan submissions for review and approval by UFM, and shall be implemented as approved. The plan shall propose an appropriate selection of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation plan shall include but not be limited to the following:

- Plant list detailing species, sizes and stock type of trees and other vegetation to be planted;
- Soil treatments if necessary;
- Mulching specifications;
- Methods of installation;
- Maintenance;
- Mortality threshold;
- Monitoring; and
- Replacement schedule.

h. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of trees 10 Inches in caliper or greater located within those areas designated "Existing Trees to be Saved" areas as shown on the GDP. These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the site plan. The replacement value shall take into consideration the age, size and condition of these trees and shall be determined according to the methods contained in the latest edition of the *Guide for Plan Appraisal* published by the International Society of Arboriculture, subject to review and approval by UFM. At the time of site plan approval, the Applicant shall post a cash bond or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the designated trees that die or are dying due to normal construction activities permitted on the approved plan. Any trees shown to be preserved on the tree preservation plan that die or are dying due to construction activities not permitted on the approved plan shall be replaced with trees of

equivalent species and size acceptable to UFM, and reasonably ensured of surviving, and the bond monies for said trees shall not be refunded. The total amount of cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees. These preservation measures shall not apply to trees otherwise protected by these proffers that die or begin to die as a result of factors not related to the Applicant's construction activities. If, at the time of final bond release, trees are found to be dead or dying despite adherence to approved construction activities by UFM, the cash bond or letter of credit shall be used as necessary to plant replacement trees of a size and species appropriate to the site, in consultation with UFM, and the Applicant's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the Public Facilities Manual (PFM) and the Conservation Agreement. Any funds remaining in the letter of credit or cash bond will be released two years from the date of release of the Applicant's property's conservation escrow, or sooner, if approved by UFM.

i. In order to restore a natural appearance to the proposed SWM pond, as described in Proffer 3 and as shown on Sheet 7 of the GDP, a landscape plan shall be submitted as part of the first submission of the site plan. The plan shall show the restrictive planting easement for the pond, and extensive landscaping in all areas outside of that restrictive planting easement as shown on sheet 7 of the GDP.

j. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP subject to the installation of utilities as determined necessary by the Director of DPWES. If it is determined necessary to install utilities outside the limits of clearing and grading as shown the GDP, 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 outside the limits of clearing and grading that must be disturbed.

k. The Applicant agrees to allow a not-for-profit organization, whose purpose is to rescue and preserve native plant species, to remove native plant species outside of the tree preservation areas as shown on the GDP. The not-for-profit organization will be required to prepare a plan identifying the native plant species to be removed and obtain written approval of the plan by the Urban Forester. Once approval of the plan has been granted by the Urban Forester, the Applicant shall provide a schedule to the not-for-profit organization identifying dates for the removal of the native plant species. The not-for-profit shall agree to indemnify the Applicant from any loss or liability resulting from the removal of native plant species and any other activity on the Application Property.

3. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES

Applicant shall implement stormwater management (SWM) and Best Management Practices (BMP) techniques to control the quantity and quality of stormwater runoff from the Application Property in accordance with the PFM standards and in substantial conformance with those depicted on the GDP. The Applicant shall provide a landscaped, vegetated SWM dry pond in the general location shown on the GDP and in accordance

with the requirements of the Chesapeake Bay Preservation Ordinance. The innovative stormwater detention and water quality techniques shown on the GDP are infiltration trenches, which shall be used subject to the approval of the DPWES provided the infiltration trenches are in substantial conformance with the GDP. Alternative innovative techniques may be used as determined by DPWES, provided said techniques are in substantial conformance with the GDP.

4. DESIGN

a. Any new parking lot light fixtures or other outdoor lighting shall be of full cutoff type and otherwise meet the performance standards of Part 9 of Article 14 of the Zoning Ordinance.

b. The sound pressure level of the bells in the bell tower shall be in accordance with the provisions of Chapter 108 of the Code of Fairfax County (the "Noise Ordinance"), which currently sets a sound pressure level of 55 dBA. If the limits in the Noise Ordinance are lowered, the sound level shall conform to the new requirements; however, in no instance shall the sound pressure level exceed 55 dBA.

c. The bells shall generally be sounded before daily services Monday through Saturday at 10:00 a.m. On Sundays, the bells shall generally be sounded for no more than one minute, five minutes prior to each Service beginning with the 8:30 a.m. service. The bells may be sounded at other times for Services during major religious holy days (such as Christmas and Easter), weddings, and funerals, for no longer than one minute in duration. In no event shall the bells be sounded during hours prohibited by the Noise Ordinance, currently between 11:00 p.m. and 7:00 a.m. the following day, or for longer than one minute.

5. TRANSPORTATION

Subject to Virginia Department of Transportation (VDOT) and DPWES approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way along the Application Property's Woodburn Road frontage as shown on the GDP. Dedication shall be made at time of site plan approval, or upon demand of Fairfax County or VDOT, whichever comes first.

MISCELLANEOUS

These proffers shall bind and inure to the benefit of the Applicant and his successors and assigns.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPENDIX 2

PROPOSED DEVELOPMENT CONDITIONS

SEA 85-P-093

February 16, 2006

If it is the intent of the Board of Supervisors to approve SEA 85-P-093 located at Tax Map 59-1 ((01)) 21, ((07)) 1, 2 for a place of worship with a child care center, 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. Those conditions carried forward from the previous special permit and special exception are marked with an asterisk (*). Minor edits have been made to conform to current standards.

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 entitled "Epiphany of Our Lord, 3408 Woodburn Road", prepared by Blake A. Smith (Loiederman Soltesz Associates, Inc.) and dated June 2, 2005, as revised through February 10, 2006 (page 1), January 9, 2006 (page 2), February 10, 2006 (page 3), September 16, 2005 (page 4), December 7, 2005 (page 5), January 9, 2006 (page 6), January 26, 2006 (page 7). Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.*
4. Upon issuance of a Non-RUP for this SEA, the maximum number of seats within the church shall not exceed <u>294</u>.*
5. The maximum number of seats provided in the fellowship hall shall be limited to 400.
6. Services in the church shall not begin or end within 30 minutes of each other.
7. Construction of the church shall be in substantial conformance with the architectural elevations shown on the GDP/SE Plat.
8. The rectory shall be utilized for housing of clergy or caretaker only.
9. The maximum daily enrollment for the child care center shall not exceed 140 children.*
10. The hours of operation for the child care center shall be limited to Monday through Friday, 6:30 a.m. – 6:30 p.m.*

11. A Landscape Plan in substantial conformance with that shown on the GDP/SEA Plat shall be filed with the site plan for review and approval by Urban Forest Management, DPWES. Supplental landscaping shall be provided as determined by UFM to achieve a minimum of 5% interior parking lot landscaping in accordance with the Zoning Ordinance.

12. Supplental landscaping shall be provided along the northern, western, and a section of the southern lot line as directed by UFM in conjunction with existing vegetation and landscaping as shown on the special exception plat to satisfy the intent of transitional screening requirements.*

13. All lighting shall be in accordance with the provisions of Part 9 or Article 14 of the Zoning Ordinance. The combined height of the parking light standards and fixtures shall not exceed 12 feet, as measured from the ground to the top of the structure, and all parking lot lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use. This shall not preclude the provision of security lighting on the building, so long as such lighting is in accordance with the provisions of Part 9 or Article 14.*

14. The limits of clearing and grading as shown on the SEA Plat shall be strictly enforced, 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 the limits of clearing and grading as shown on the SEA Plat, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be submitted and implemented, subject to approval by UFM, for any areas within the limits of clearing and grading that must be disturbed, including other open space areas.

15. Stormwater Management/Best Management Practices facilities shall be provided as depicted on the SEA Plat or as determined by DPWES, provided, however, no additional vegetation shall be cleared over which is shown on the plat. The applicant shall submit an outfall narrative and calculations that demonstrate the ability to provide adequate outfall in accordance with applicable standards at the time of site plan review as determined by DPWES. Any channel improvements shall be provided as determined by DPWES.

16. The applicant shall construct a temporary drainage/siltation control pond in the general location of the SWM extended detention dry pond as shown on the SEA Plat, which shall be used as a detention pond and sediment trap during construction as determined necessary by DPWES. Said erosion and sedimentation control facility shall be designed in accordance with Fairfax County standards, and approved by DPWES.

17. Notwithstanding that shown on the GDP/SE Plat, directional signage indicating left-turn movement only for handicapped-approved vehicles, or vehicles associated with weddings and funerals shall be installed between the site entrance and the turnaround to allow these vehicles to enter the turnaround main entrance area. All other vehicles shall be directed by on-site signage to turn right, and proceed in a counterclockwise circulation pattern around the parking lot area to reach the main entrance of the sanctuary.

18. Parking shall be provided in accordance with Zoning Ordinance provisions subject to the review and approval of a parking reduction.
19. A temporary six foot wooden board on board fence shall be erected on the western lot line adjacent to Tax Map 59-1 ((7)) 4A prior to construction of the improvements.
20. Access for construction vehicles shall be limited to the existing driveway on Woodburn Road. Parking of construction vehicles shall be located on site, and shall not be permitted on Hayden Lane and Knox Road.
21. Outdoor construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. No outdoor construction activities will be permitted on Sundays or on federal holidays. The site superintendent shall notify all employees and subcontractors of these hours of operation and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish.
22. The Applicant shall ensure that the existing structures located on Tax Map 59-1 ((7)) 1 and 2 are locked and secured until their demolition. When the structures are demolished, the Applicant shall follow all applicable requirements regarding the removal of hazardous substances, septic fields, and wells.

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 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.