



FAIRFAX COUNTY

APPLICATION FILED: March 29, 2006
BOARD OF ZONING APPEALS: June 27, 2006
TIME: 9:00 a.m.

V I R G I N I A

June 20, 2006

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 99-L-024

LEE DISTRICT

APPLICANT: Bush Hill Presbyterian Church

ZONING: R-3

LOCATION: 4916 Franconia Road

ZONING ORDINANCE PROVISIONS: Sect. 3-303

TAX MAP: 82-3 ((2)) (1) A and 82-3 ((3)) (B) 8

LOT SIZE: 3.29 acres

F.A.R.: 0.08

PLAN MAP: Residential 2-3 du/ac

SP PROPOSAL: An amendment to SP 99-L-024 previously approved for a church with nursery school and child care center to permit change in development conditions, building addition and site modifications.

STAFF RECOMMENDATION:

Staff recommends approval of SPA 99-L-024, subject to the proposed development conditions contained 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:**

An amendment to SP 99-L-024 previously approved for a church with nursery school and child care center to permit change in development conditions, building addition and site modifications. The applicant proposes to demolish selective portions of the original buildings on site originally constructed in 1958 and 1967 and to construct a new building addition which will unify the building structures. The existing buildings are not connected and do not meet current accessibility requirements. The existing church sanctuary building will remain and will be attached to the retained portions of the original buildings by the construction of a new building addition which will house the Christian Education and Fellowship functions of the church as well as providing general office space to support the programs and mission of the church. The addition will increase the size of the existing buildings by 7,245 square feet from 23,791 square feet to 31,036 square feet. The number of seats approved in the sanctuary is 432 as granted by SP 99-L-024. The approval of SP 99-L-024 also allowed a nursery school with a sixty eight student maximum daily enrollment. No increase in the maximum daily enrollment is proposed with this application. Additionally, the northern parking lot will be reconfigured and a total of nine new parking spaces will be added to the site.

| | <u>Existing</u> | <u>Proposed</u> |
|--|------------------------|------------------------|
| Size of property: | 3.29 acres | 3.29 acres |
| Parking: | 124 spaces | 133 spaces |
| Gross Floor Area: | 23,791 square ft. | 31,036 square ft. |
| FAR: | 0.166 | 0.217 |
| Number of Seats: | 432 seats | 432 seats |
| Maximum Daily Enrollment (Nursery School) | 68 | 68 |
| Employees: | | |
| Church: | 7 | 7 |
| Nursery School: | 10 | 10 |
| Hours of Operation (Existing; no Change Proposed): (Church) | | |

Sunday services: 8:30 a.m. - 11:00 a.m.

Administrative Offices and Church Building

(Monday through Friday): 8:00 a.m. to 5:00 p.m.

**Hours of Operation:
(Day School; Proposed)**

Monday through Friday: 8:00 a.m. to 1 p.m.

(Current hours as approved by SP 99-L-024 are 9 a.m. to 12 p.m. Monday, Thursday and Friday and 9a.m. to 1 p.m. Tuesday and Wednesday. Proposed operational hours are to now include employee preparation and clean-up times.)

Waiver and Modifications Requested:

The applicant requests that the transitional screening and barrier requirements be modified and waived, in favor of the existing vegetation.

LOCATION AND CHARACTER

Existing Site Description:

The application property is 3.29 acres, located on the northeast corner of Jane Way and Franconia Road, and is developed with a church consisting of a two-story sanctuary building and a second two-story building with classrooms. A playground is located on the east side of the church, surrounded by a four foot high chain link fence. A solid wood fence with an approximate height of 6 feet is located on the eastern property boundary adjacent to the playground. The northern portion of the site consists of a wooded area which slopes gradually toward the parking lot adjacent to the church. Parking for the church is located in two lots, one located on the south side of the church with 98 spaces, and one located on the north side of the church with 23 spaces. Access to the church is from three driveways from Jane way, and from one driveway from Franconia Road.

BACKGROUND

Site History:

The two-story sanctuary building for the Bush Hill Presbyterian Church was constructed in 1958. The second two story building was constructed in 1967.

On August 12, 1958, the Board of Zoning Appeals approved special Permit #22230 for the operation of a kindergarten by the Rose Hill Women's Club in the basement of the church. There are no records in existence to document that this kindergarten was established by the Rose Hill Women's Club. According to the records provided by the applicant, in 1962 a day school was established at the church consisting of 16 children enrolled in the first grade which gradually increased in enrollment until 1969, when the first grade and kindergarten were replaced with a pre-kindergarten class for four year olds. This was expanded over the years with fluctuating enrollment to the present child care center/nursery school with a maximum total daily enrollment of 68 children. In 1994, the preschool received a notice from the Virginia Department of Social Services that due to a change to

the code of Virginia, the preschool was required to obtain licensure or religious exemption from licensure. The application procedure included the requirement that a certificate of occupancy be obtained for the use from Fairfax County. SP 99-L-024 was approved by the BZA on June 22, 1999, to allow a church and related facilities, nursery school and child care center. The Special Permit limited the sanctuary to 432 seats and the nursery school/child care center to have a maximum daily enrollment of 68 students. VC 99-L-045 was also approved by the BZA on that date for a variance to allow parking spaces within the existing parking lot to remain less than 10 feet from the front lot lines of both Franconia Road and Jane Way. A copy of the Resolution and Plat approved in conjunction with SP 99-L-024 is included in Appendix \$.

Surrounding Area Description:

| Direction | Use | Zoning | Plan |
|-----------|----------------------------------|--------|---------------------------|
| North | Single family detached dwellings | R-3 | Residential, 2-3 du/ac |
| South | Single family detached dwellings | R-3 | Residential, 2-3 du/ac |
| East | Single family attached dwellings | R-3 | Residential, 2-3 du/ac |
| West | Single family attached dwellings | R-3 | Residential, 2-3 du/ac |

COMPREHENSIVE PLAN PROVISIONS

| | |
|-------------------------|---|
| Plan Area: | Rose Hill Planning District; Area IV |
| Planning Sector: | Bush Hill Community Planning Sector (RH2) |
| Plan Map: | Residential, 2-3 du/ac |

ANALYSIS

| | |
|--------------------------|--|
| Title of SP Plat: | Bush Hill Presbyterian Church, Special Use Permit Amendment |
| Prepared by: | Adtek Engineers, Inc. |

Dated: May 2006 , as revised through May 19, 2006

Proposed Special Permit Use

The applicant requests an amendment to SP 99-L-024 previously approved for a church with nursery school and child care center to permit change in development conditions, permit building addition, and site modifications. The applicant proposes to demolish selective portions of the buildings on site originally constructed in 1958 and 1967 and construct a new building addition which will unify the building structures. The existing buildings are not connected and do not meet current accessibility requirements. The existing church sanctuary building will remain and will be attached to the retained portions of the original buildings by the construction of a new building addition which will house the Christian Education and Fellowship functions of the church as well as providing general office space to support the programs and mission of the church. The addition will increase the size of the existing buildings by 7,245 square feet from 23,791 square feet to 31,036 square feet. The number of seats approved in the sanctuary is 432 as granted by SP 99-L-024. The approval of SP 99-L-024 also allowed a nursery school and child care center with a sixty eight student maximum daily enrollment. No increase in the maximum daily enrollment is proposed with this application. Additionally, the northern parking lot will be reconfigured and a total of nine new parking spaces will be added to the site.

Access to the site will be provided by the existing two way curb cut access from Franconia Road and two way curb cuts into the site on Jane Way. The number of curb cuts on Jane Way has been reduced from three to two, one each for the northern and southern parking lots.

The area of existing trees on the northern boundary of the property will be reduced significantly from its current state to a 25 foot landscaped transitional screening area consisting of existing vegetation. The property is heavily treed in the northern section of the property where the outdoor recreation area is proposed to be relocated. The front and rear parking lots contain several landscaped islands. Tree stands of varying density and size adjoin every lot line. Two grassed areas with several mature trees and proposed additional landscaping are located on the properties Jane Way frontage. The side yard of the property along its eastern boundary is proposed to be planted with a mixture of large and medium evergreen trees. The existing grassy area at the corner of Telegraph and Jane Way has several existing deciduous trees with several additional deciduous trees proposed.

Land Use Analysis

There are no land use issues associated with this application.

Environmental Analysis (Appendix 5)

Issue:

The environmental analysis referred to the adequacy of on site stormwater management (noted in the Stormwater Analysis below) associated with this application and the need to ensure that adequate on-site detention and water quality measures are provided with is application.

The environmental analysis also indicates that the northern portion of the site north of the church facility is currently densely vegetated. This forested area is a tremendous asset for this special permit use within an existing residential community. However, the expansion, as proposed, would essentially eliminate this tree cover. The applicant is encouraged to look for opportunities to preserve more of the existing vegetation. Dense vegetation enhances the efficiency of water quality controls as well as serves as an aesthetic asset for the site. The applicant should work with staff in the Urban Forestry Division in developing a landscape plan.

Resolution: The preservation of additional trees in this area and the additional evergreen and deciduous outdoor recreation area and the periphery of the northern parking lot would provide for greater screening on the northern portion of the site. A redesign of the alignment of the northern most portion of the north parking lot in addition to the elimination of several parking spaces would provide for the reduction of clearing and grading in that area of the site allowing for more of the existing vegetation to be preserved. In addition the preservation of existing trees in the area designated as a play area could be accomplished by allowing the northern most portion of this area to remain in its natural state by extending the limits of clearing and grading further to the south. With the imposition of the proposed development conditions in Appendix 1 these issues are addressed.

DPWES Stormwater Analysis (Appendix 6)**Issue:**

The stormwater management analysis indicates that additional information regarding site outfall should be provided. The analysis indicated that there some downstream drainage complaints in the area. The applicant has proposed additional on site detention. The adequacy of this capacity should be determined and addressed at the time of site plan review by the applicant as required by DPWES. The analysis recommends the applicant consider the use of porous pavement systems to replace existing surfaces issues proposed to be replaced with this application.

Resolution:

With the imposition of the proposed development conditions in Appendix 1 which requires that stormwater management and Best Management Practices facilities shall be provided as determined by DPWES this issues is addressed.

Transportation Analysis (Appendix 7)

Issue:

The use meets the required parking with 133 spaces being provided on site while 124 are required based on the requirement of one parking space for every four seats in the sanctuary. The applicant initially showed four curb cuts on Jane Way which has been reduced to two at the suggestion of staff. Staff did indicate a concern regarding the ability of vehicles to turn around if all parking spaces were filled. Staff recommends leaving parking spaces striped out to create a turn around area.

Resolution:

With the imposition of the proposed development conditions in Appendix 1 adequate parking will be provided and be on site. However, as noted earlier, the northern parking lot should be redesigned to more efficiently utilize the space on the site to optimize tree save areas in the northern portion of the site and improve internal circulation of vehicles in the lot.

Urban Forest Management Analysis (Appendix 8)**Issue:**

The property is heavily treed in the northern section of the property where the outdoor recreation area is proposed to be relocated and parking is to be relocated. It is proposed that most of this densely vegetated area would be graded in large part eliminate this tree cover. Urban Forest Management indicates that the elimination of these trees renders the transitional screening in this area inadequate in that existing mature oak species and American Beech are too sparse and understory trees is not sufficient to provide an effective screen in this area. The eastern boundary of the site adjacent to Lot 7 and the southern boundary adjacent to Franconia Road also lack transitional screening which create the potential headlight glare issues for these adjacent residential properties.

Resolution:

The preservation of additional trees in the outdoor recreation area and the additional evergreen and deciduous trees along the periphery of the northern parking lot would provide for greater screening on the northern portion of the site. A redesign of the alignment of the northern most portion of the north parking lot in addition to the elimination of several parking spaces would provide for the reduction of clearing and grading in that area of the site allowing more of the existing vegetation to be preserved. Several parking spaces could be relocated by bringing the parking area closer to Jane Way and by adding additional spaces near the location of the dumpster enclosure and in some of the areas shown as parking lot landscaping. In addition the preservation of existing trees in the area designated as a play area could be accomplished by allowing the northern most portion of this area to remain in its natural state by extending the limits of clearing and grading further to the south. The applicant should attempt to obtain permission from the owner of off site Lot 7 and from VDOT on the southern boundary between the sidewalk and Franconia

Road to provide additional plantings to mitigate potential headlight glare issues for these adjacent residential properties. With the imposition of the proposed development conditions in Appendix 1 these issues are addressed.

ZONING ORDINANCE PROVISIONS

| R-3 DISTRICT REGULATIONS | REQUIRED | PROVIDED |
|---------------------------------|--|---|
| Bulk Regulations R-3 | | |
| Lot Size | 11,500 square feet | 3.29 acres |
| Lot Width | 105 feet (corner lot) | 383 ft. (Jane Way) 324 ft. (Franconia Rd.) |
| Building Height | 60 feet | 33 ft. |
| Front Yard | Controlled by 40° Angle of Bulk Plane (ABP), but not less than 30 feet | 40.6 feet (Jane Way) 184.4 (Franconia Rd.) |
| Side Yard | Controlled by 35° ABP, but not less than 10 feet | 31.2 feet |
| Rear Yard | 35° ABP, minimum of 25 feet | 180.2 feet |
| FAR | 0.25 | 0.217 |
| Parking | Total 124 Church 108 School 16 | 133 |

| Standard | Required | Provided |
|-------------------------------|-----------------|-----------------|
| Transitional Screening | | |

| Standard | Required | Provided |
|--|---|--|
| North (single family attached dwellings) | Transitional Screening (T/S) 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees | Natural wooded vegetation with a minimum width of 25 feet |
| East (single family attached dwellings) | T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees | Large and medium evergreen trees to be planted T/S area 10 feet wide |
| South (single family detached dwellings) | T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees | None |
| West (single family attached dwellings) | T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees | None |
| Barrier | | |
| North (single-family dwellings and vacant land) | Barrier D, E or F | None* |
| South (Single family detached dwellings) | Barrier D, E or F | None* |
| East (single family attached dwellings) | Barrier D, E or F | None* |

| Standard | Required | Provided |
|--|-------------------|----------|
| West (single family attached dwellings) | Barrier D, E or F | None* |

* Waiver approved with SP 99-L-024; applicant also requests the waiver with this application.

WAIVERS/MODIFICATIONS REQUESTED

Waivers and Modifications Requested

Transitional Screening 1 and Barrier D, E, or F are required adjacent to all property lines. The applicant requests that the transitional screening and barrier requirements be modified and waived, respectively, in favor of the existing on site vegetation. A modification of transitional screening and waiver of barrier requirements was allowed under SP 99-L-024 with a development condition that provided “that the existing landscaping on the site and natural vegetation located in the northern portion of the lot were maintained in good condition”.

Under this the proposal, the area of existing mature trees on the northern section of the property, will be reduced significantly from its current state to a 25 foot landscaped transitional screening area consisting of existing vegetation. Staff believes that the modification of the transitional screening and waiver of the barrier requirements should be approved provided that the proposed development condition which call for the preservation of additional trees to “the maximum extent possible by reconfiguration of the northernmost section of the north parking lot and the preservation of trees in the in the area designated as the “Outdoor Recreation Area” to reduce the limits of clearing and grading in the northern section of the property” is implemented.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 9)

- General Special Permit Standards (Sect. 8-006)
- Group 3 Standards (Sect. 8-303)
- Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship With a Child Care Center, Nursery School or Private School (Sect. 8-308)

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied, subject to the proposed development conditions.

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and is in conformance with the applicable Zoning Ordinance provisions, but only with adoption of the proposed development conditions.

RECOMMENDATIONS

Staff recommends approval of the subject special permit amendment application, with the adoption of the Proposed Development Conditions contained in Appendix 1 of this 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. Development Conditions and SP 99-L-024 and Previous Variance
5. Environmental Analysis
6. DPWES Stormwater Analysis
7. Transportation Analysis
8. Urban Forestry Analysis
9. Applicable Zoning Ordinance Provisions Checklist

REVISED PROPOSED DEVELOPMENT CONDITIONS**June 6, 2006**

If it is the intent of the Board of Zoning Appeals to approve SPA 99-L-024 located at Tax Map 082-3 ((2)) (1)A and 082-3 ((3)) (B) 8, for an amendment to SP 99-L-024 previously approved for a church with nursery school and child care center to permit change in development conditions, building addition and site modifications pursuant to Section 3-203 of the Fairfax County Zoning Ordinance, 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 these conditions to conform to current terminology. Edits have been underlined.

1. This approval is granted to the applicants only, Trustees of Bush Hill Presbyterian Church and is not transferable without further action of this Board, and is for the location, 4916 Franconia Road, indicated on the application and is not transferable to other land.*
2. This Special Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Adtek Engineers, Inc., dated May 2006 revised to May 16, 2006 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 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 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. The transitional screening shall be waived, provided that the existing landscaping on the site and natural vegetation located in the northern portion of the lot is preserved to the maximum extent possible by reconfiguration of the northernmost section of the north parking lot and the preservation of trees in the in the area designated as the "Outdoor Recreation Area" to reduce the limits of clearing and grading in the northern section of the property as depicted on the sketch included as Attachment 1 with these development conditions.

The redesign of the alignment of the northern north parking lot shall include the elimination and relocation of parking spaces by bringing the parking area closer to Jane Way and by adding additional spaces near the location of the dumpster enclosure and in some of the areas shown as parking lot landscaping.

6. The barrier requirements shall be waived.

7. The applicant shall attempt to obtain permission from the owner of off site Lot 7 and from VDOT on the southern boundary between the sidewalk and Franconia Road to provide additional plantings to mitigate potential headlight glare issues for these adjacent residential properties as determined by UFM, DPWES.
8. The seating capacity for the main sanctuary shall not exceed 432 seats.*
9. The maximum daily enrollment in the nursery school/child care center shall not exceed a total maximum daily enrollment of 68 students. There shall be no more than 47 students on the playground at one time.*
10. The maximum hours of operation of the nursery school/child care center shall be limited to ~~9:00 a.m. to 12:00 noon, Monday, Thursday and Friday, and 9:00 a.m. to 1:00 p.m. Tuesday and Wednesday.~~ Monday through Friday: 8:00 a.m. to 1 p.m. *
11. There shall be ~~424~~ 133 parking spaces provided on site in the locations shown on the plat. Two of the required spaces shall be reserved for the pick-up and drop off of children, to be located closest to the playground and sidewalk for the child care center and nursery. All parking shall be on-site.*
12. ~~All signs on the site comply with the provisions of Article 12, Signs.~~ All signage, both existing and proposed, shall satisfy requirements contained in Article 12 of the Zoning Ordinance.*
13. Stormwater management and Best Management Practices facilities shall be provided as determined by DPWES.
14. Lighting located on the application site shall focus onto the subject property only. If necessary, appropriate lighting shields shall be installed to prevent high intensity glare from projecting onto adjacent residential property. Any new lights that may be installed on the site shall be limited to a maximum of twelve (12) feet in height and shall be provided in accordance with the performance standards contained in Par. 9, Outdoor Lighting Standards, of Art. 14 of the Zoning Ordinance.*

These conditions incorporate and supercede 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. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

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 the Phase 1 use has been established or construction has commenced and been diligently prosecuted. Commencement of Phase I shall establish the use as approved pursuant to this special permit. The Board of Zoning Appeals may grant additional time to establish the use or 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.