



APPLICATION FILED: May 10, 2006
BOARD OF ZONING APPEALS: September 12, 2006
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 5, 2006

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 86-S-023-2

SPRINGFIELD DISTRICT

APPLICANT: Trustees for Living Savior Lutheran Church

ZONING: R-C, WS

LOCATION: 5500 Ox Road

ZONING ORDINANCE PROVISIONS: 3-C03

TAX MAP: 68-3 ((1)) 50, 50A

LOT SIZE: 7.74 acres

F.A.R.: 0.099

PLAN MAP: Residential 0.1 - 0.2 du/ac

SP PROPOSAL: An amendment to SP 86-S-023 previously approved for a church and nursery school, to permit an increase in seating capacity, building additions and site modifications.

STAFF RECOMMENDATION: Staff recommends approval of SPA 86-S-023-2 subject to the proposed development conditions contained in Appendix 1.

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.

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Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
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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.**

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

An amendment to SP 86-S-023, previously approved for a church and nursery school, to permit an increase in seats from 200 to 400, an increase in building area from 8,070 square feet to 33,300 square feet and an increase in parking spaces from 104 to 179 spaces. These changes are proposed to take place in three phases.

	Existing	Proposed Phase 1	Proposed Phase 2	Proposed Phase 3
Lot Size	7.74 acres	7.41 acres after ROW dedication	No Change	No Change
Gross Floor Area	8,700 sf.	16,770 sf.	32,000 sf.	33,300 sf.
FAR	0.024	0.050	0.095	0.099
Parking Spaces	104	104	104	179
Number of Seats	200	304	304	400
Number of Students	99	No Change	No Change	No Change
Hours of Operation*				
Church Hours	<u>Education/Administrative Building</u> Daily: 8:00 am-8:00 pm <u>Services/Sunday School</u> Sunday: 9:00 am-12:00pm 8:30 a.m. - 11:00 a.m.	No Change	No Change	No Change
Nursery School and Offices hours:	(Monday through Friday): 9:00 a.m. to 3:00 p.m.	No Change	No Change	No Change
Administrative Offices and Church Building hours:	(Monday through Friday): 8:00 a.m. – 4:00 p.m.	No Change	No Change	No Change
Number of Employees				

Church:	9	12	No Change	No Change
School:	28	34	No Change	No Change

* Cornerstone Fellowship Church a congregation with 59 members and three employees rents space from the applicant. Services are held on Sunday from 1:00 p.m. to 6 p.m., Wednesday from 8:00 p.m. to 9:30 p.m. and Friday from 7:00 p.m. until midnight.

Waivers and Modifications:

The applicant requests that the transitional screening and barrier requirements be modified and waived for a portion of the eastern and western lot lines of the property in favor of the existing vegetation and barriers.

LOCATION AND CHARACTER

Existing Site Description: The subject property is on the west side of Ox Road approximately one-third of a mile south of its intersection with Popes Head Road.

The property is developed with the existing church building which consists of 8,070 square feet with a sanctuary seating capacity of 200 people. The building is situated on the southwestern portion of the site with the parking area located to its north with 104 parking spaces. Two existing storm water management ponds (SWM) are adjacent to the terminus of Fourstairs Ct. a cul-de-sac which has a terminus at the site’s western property line. Access to the property is provided by a single curb cut with a divider for ingress and egress from Ox Road. A right turn lane to the site is located on the property’s frontage for vehicles that are southbound on Ox Road to turn into the site. The landscaping on the lot contains a mixture of deciduous and evergreen trees with transitional screening of at least 25 feet to 50 feet on all boundaries.

BACKGROUND

Site History:

Special Permit SP 86-S-023 was approved on July 31, 1986 by the Board of Zoning Appeals (BZA) to permit a nursery school with a maximum enrollment of 40 children, a church with a maximum seating capacity of 200 and related facilities located on Lot 50A consisting of 3.0 acres of land.

On November 17, 1987 the BZA approved SPA 86-S-023 was approved to amend SP 86-S-023 approved for a nursery school, church and related facilities to permit an

increase in land area to 8.011 acres with the addition of parcel 50, increased enrollment to 99 students, and increased parking from 68 spaces to 104 spaces. Subsequent right of way dedication along Ox Road reduced the land area to the 7.74 acres included in this application. A copy of the approved development conditions and plat for SPA 90-S-023 are contained in Appendix 4 of this staff report.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Residential	R-C	Residential, .1-.2 du/ac
South	Residential	R-C	Residential, .1-.2 du/ac
East	Residential	R-1	Residential, 2-3 du/ac
West	Residential	R-C	Residential, .1-.2 du/ac

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Pohick Planning District, Area III
Planning Sector: Twin Lakes Community Planning Sector (P1)
Plan Map: .1-.2 dwelling units per acre (R-C; Lot 6)

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Amendment, Living Savior Lutheran Church
Prepared By: William H. Gordon Associates, Inc.
Dated: December 2005, revised through August 9, 2006, signed August 10, 2006

Proposed Use:

To amend SP 86-S-023 previously approved for a church and nursery school, to permit an increase in seats from 200 to 400, building additions and site modifications. The nursery school will continue to have a maximum number of 99 students present at when one time as presently approved.

The applicant proposes additions to the existing structure to be constructed in three phases. In the first phase an addition is proposed located to the northeast of the existing structure to increase the existing sanctuary from 200 to 304 seats and provide a narthex, restrooms, parlor and steeple. A new covered entry will also be constructed connecting the new structure to the existing structure. The first phase building addition

will total 8,700 square feet raising the square footage of the structures from 8,070 square feet to 16,770 square feet and the FAR from 0.024 to 0.050.

Phase 2A proposes additional educational space in a 15,230 square foot two story addition to be added to the northwest side of the existing structures. The build out of the interior of the second story of the building will be completed in the phase 2B as well as a relocation of the existing playground. The second phase building additions will raise the square footage of the structures to 32,000 square feet and the FAR to 0.095.

The third and final phase proposes to increase sanctuary seating from 304 to 400 seats by installing seating in the shelled balcony which is included in the Phase 1 construction. An existing storage shed will also be relocated in this phase. An addition of 77 parking spaces north of the existing parking raises the total parking on site to 179 spaces. The third phase balcony will raise the square footage of the structures to 33,300 square feet and the FAR to 0.099.

Access to the property is provided by a single curb cut with a divider for ingress and egress from Ox Road. A right turn lane to the site is located on the property's frontage for vehicles that are southbound on Ox Road to turn into the site.

During all phases of the construction Stormwater Management and BMP facility improvements are shown to be provided. This includes the redesign and engineering of the two existing dry pond facilities on site and a proposed underground retention facility located in the southeast portion of the site along the Ox Road frontage.

Transitional screening is proposed to be modified along the eastern and northern property lines to allow existing vegetation, supplemented with a mix of deciduous and evergreen trees, to satisfy the requirements. Existing vegetation along the southern lot lines is generally at least fifty feet in depth with the exception of the southeast corner near the Ox Road frontage where the underground SWM facility is proposed. At this point the screening narrows to fifteen feet. Existing vegetation along the western lot lines is almost seventy feet in depth. The northeastern most portion of the property is entirely wooded. The northern boundary provides a minimum of 35 feet of existing transitional screening with additional planting provided to extend screening to fifty feet.

Existing vegetation along the eastern lot line which fronts Ox Road is generally from 20 to 40 feet in depth. Right of way dedication of seventy-five (75.0) to ninety (90) feet is proposed along Ox Road although the widening of the road is not expected in the foreseeable future according to transportation staff. Two revegetation areas are proposed along the Ox Road frontage to supplement existing vegetation. Shade trees are depicted throughout the parking areas. The plat indicates that approximately 41 percent of the entire site will be preserved as undisturbed open space.

Land Use Analysis

The Comprehensive Plan recommends that property in this area be developed residentially at .1 to .2 dwelling units per acre. The Comprehensive Plan does not have specific plan language regarding this area. The property lies within the Occoquan watershed and as such development should be protective of water quality. There are no land use issues associated with this application.

Environmental Analysis (Appendix 5)

Issue: Water Quality of the Occoquan Watershed

The Comprehensive Plan recommends that such uses “be rigorously reviewed” and states that these uses should be approved only if certain conditions are met. Included as a condition is “the use is designed to mitigate impacts on the water quality of the Occoquan Reservoir.” and a rezoning of land in 1982 established lesser intense land use and lower density in the watershed. These goals generally can be accomplished through the preservation of at least 50% of the area of the subject property as perpetually undisturbed open space. The original special permit plan for the site was approved prior to standardization of this recommendation, and the existing conditions sheet depicts 45% undisturbed open space, including some previously open areas that were replanted at the time of original construction and are now characterized by mature trees.

Resolution

The applicant has worked with staff to achieve a reasonable reduction in undisturbed open space in combination with replanting that will allow for expansion of church facilities while maintaining 41% undisturbed open space through phase three of the proposed expansion. The reduction in undisturbed open space results largely from necessary stormwater management facilities in the southeast frontage of the site along Ox Road. The fifty foot buffer along the property’s southern and western property lines are maintained with the exception of the area of the aforementioned stormwater management facility. To supplement the loss of undisturbed areas as well to supplement the vegetated buffer along Ox Road, the SPA plat depicts an area of revegetation adjacent to the existing buffer, representing five percent of the net land area (after dedication of the ROW along Ox Road). As this area of plantings matures, it will add an additional five percent undisturbed open space to the 41% preserved resulting in approximately 46% of the site being undisturbed open space which exceeds the existing undisturbed open space on the site at present and is a reasonable increase given site conditions.

Issue: Tree Preservation/Restoration

Planting of trees within and around the periphery of the expanded parking lot planned for phase three of construction will provide shading for the large parking lot, reducing the heat island effect as well as surface evaporation which can contribute to poor air quality. Staff recommended that at a minimum, the applicant commit to replacing all

trees within the existing parking lot which are removed during the expansion.

Resolution

The applicant has agreed to the tree replacement. A development condition has been included which requires replacement of all trees within the existing parking lot which are removed during the expansion as determined by Urban Forestry Management. Therefore this issue has been addressed.

Issue

The mature trees in the transitional screening area on the south, east and northeast boundaries of the site provide a significant asset for the residential neighborhoods surrounding the site, particularly on the south where residential lots are immediately adjacent to the church lot. Due to the maturity of the trees in this buffer, these areas are considered undisturbed open space. The full build out of the church buildings represents a fourfold increase in size, from 8,070 square feet to 32,000 square feet at phase three of construction, emphasizing the importance of an undisturbed buffer around the periphery of the site. Disturbance of the buffer along Ox Road should be minimized while accommodating the ROW dedication, and replanted if necessary.

Resolution

The commitment to plant trees as a supplemental buffer will contribute to a more substantial buffer once they reach maturity, as well as complement the undisturbed open area of the site, which contributes toward water quality protection. With the inclusion of proposed development conditions requiring supplemental plantings if necessary as determined by Urban Forestry Management, the applicant will satisfy any need for additional screening in these areas.

Issue

The underground detention facility depicted on the original plat in the southeast corner of the site was moved on a subsequent plat submission toward the southern boundary of the site in order to preserve more of the mature trees along Ox Road. Urban Forest Management (UFM) expressed concern with the new location, given the proximity of the facility to trees on the neighboring property as well as loss of the buffer on the southern property line.

Resolution

The applicant acknowledged that the placement of the underground detention facility presented a trade-off with respect to loss of trees, and the existing vegetation along the Ox Road frontage was of a higher quality than the area lost on the southern boundary. The August 10, 2006, plat depicts a different shape for the underground detention facility, allowing for the increased preservation of trees along Ox Road, as well as a lesser reduction in the southeast buffer. With the revised location of the facility and the inclusion of proposed development conditions requiring supplemental plantings in this

area, as determined by Urban Forestry Management, the applicant will satisfy the need for additional screening in this area.

Urban Forest Management Analysis (Appendix 6)

An earlier version of the SPA plat, dated June 2006, showed an intrusion to several locations of the existing transitional screening on the southern boundary of the property. The plat also showed a conceptual berm on the western property boundary from the previously approved SPA plat. This issue was included in the Environmental Analysis. In discussion with UFM and DPWES Stormwater Management staff it was determined that the berm was not necessary and that it was preferable that it be removed in order to preserve significant trees in the area. The SPA plat also lacked detailed landscape specifications and details regarding existing and proposed tree cover and calculations and plans for the replanting of several trees.

The applicant revised the SPA plat subsequent to the Urban Forest Management Report publication to adjust the limits of clearing and grading along the southern boundary of the property and the conceptual berm on the western property boundary was removed. The revised SPA plat provides more detailed landscape specifications and details regarding existing and proposed tree cover and calculations and plans for the replanting of several trees. An existing vegetation map has been provided, however as addressed by a proposed development condition a detailed landscape plan showing existing and supplemental planning is required at the time of site plan review.

The Urban Forest Management Analysis also indicated that the applicant should consider interim measures to mitigate stormwater runoff and sheet flow and provide wildlife habitat within the grassy areas located north of the existing parking lot until the parking is extended into this area in Phase 3. Mitigation measures suggested include, a native grass wildflower meadow or allowing regeneration into a forested area. It was also suggested that in the construction of additional parking in Phase 3 that grass crete or something similar in design be considered for use to create a more pervious area for stormwater runoff. These suggestions have been passed on to the applicant for consideration.

Transportation Analysis (Appendix 7)

There are no transportation issues associated with this application.

DPWES Stormwater Analysis (Appendix 8)

There are no Stormwater management issues associated with this application.

ZONING ORDINANCE PROVISIONS

R-C DISTRICT REGULATIONS	REQUIRED	PROVIDED
Bulk Regulations R-C		
Lot Size	5 acres	7.74 acres
Lot Width	200 feet	630 feet
Building Height	60 feet	40 feet
Front Yard	50° ABP but not less than 40 feet (47.7 feet)	85 feet
Side Yard	45° ABP but not less than 20 feet (45 feet)	75 feet
Rear Yard	45° ABP but not less than 20 feet (25 feet)	105 feet
FAR	0.10	Phase 1 - 0.050 Phase 3 - 0.095 Phase 3 - 0.099
Parking		
Parking Spaces	Phase 1 -95 spaces (19 school, 75 church) Phase 2 -104 spaces (19 school, 75 church) Phase 3 - 119 spaces (19 school, 100 church)	Phase 1 -104 spaces Phase 2 -104 spaces Phase 3 - 179 spaces

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 vegetation supplemented by evergreen, ornamental and shade trees, widths varying from 25 to 230 ft.
East (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Existing vegetation supplemented by evergreen, ornamental and shade trees, widths varying from 0.0 to 60.0 ft
South (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Existing vegetation supplemented by evergreen, ornamental and shade trees, widths varying from 15 to 60 ft.
West (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Existing vegetation supplemented by evergreen, ornamental and shade trees, widths varying from 25 to 100 ft.
Barrier		
North (Single family residential)	Barrier D, E or F	None*
South (single family residential)	Barrier D, E or F	6.0 foot high board on board fence
East (Single family residential)	Barrier D, E or F	None*
West (Single family residential)	Barrier D, E or F	6.0 foot high board on board fence (southern part)*

* Waiver requested.

WAIVERS/MODIFICATIONS REQUESTED

Waiver/Modification: A modification of the barrier requirements is requested along the south and western sides in order to allow the existing board on board fence to remain in its current location inside the property line. A waiver of the barrier requirement is requested along the eastern and northern property boundaries.

The applicant requests a modification of the transitional screening requirements along all property lines to allow existing vegetation, supplemented with a mix of deciduous and evergreen trees, to satisfy the requirements.

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. Existing vegetation along the northern lot line is supplemented with a variety of trees adjacent to most of the developed areas. The necessity of placement of the underground detention facility in the southeast corner of the site reduced the width of the screening in this area to as little as 15 feet but allowed the retention of existing vegetation along the Ox Road frontage which is of a higher quality than the area lost on the southern boundary. With the inclusion of proposed development conditions requiring supplemental plantings in this area, as determined by Urban Forest Management, the applicant will satisfy the need for additional screening in this area. Staff therefore supports the modification requests.

Staff supports the requested barrier modifications and waivers since the preservation of as many trees as possible along these lot lines is desired. It will be more beneficial to minimize disturbance that would otherwise be created through construction of a barrier, and substantial vegetation exists along the majority of the lot lines. Staff therefore supports the requests for a modification of the barrier requirements.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 9)

All special permits must satisfy the general standards set forth in Sect. 8-006 of the Zoning Ordinance. Standard 1 of the General Special Permit Standards requires that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan. The Comprehensive Plan provides guidance in the Policy Plan that encourages development that minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses. The current development proposal consists of development in the R-C District at an FAR of 0.099, which is below an FAR of 0.10, the maximum permitted.

The Comprehensive Plan recommends that such uses “be rigorously reviewed” and states that these uses should be approved only if certain conditions are met. Included

as a condition is “the use is designed to mitigate impacts on the water quality of the Occoquan Reservoir.” This generally can be accomplished through the preservation of at least 50% of the area of the subject property as perpetually undisturbed open space.

The original special permit plan for the site was approved prior to standardization of this recommendation, and the existing conditions sheet depicts 45% undisturbed open space, including some previously open areas that were replanted at the time of original construction and are now characterized by mature trees. With the construction as depicted, the 41% undisturbed open space will remain through phase three of the proposed expansion. To supplement the loss of undisturbed areas as well to supplement the vegetated buffer along Ox Road, the SPA plat depicts an area of revegetation adjacent to the existing buffer, representing five percent of the net land. As this area of plantings matures, it will add an additional five percent undisturbed open space to the 41% preserved resulting in approximately 46% of the site being undisturbed open space which exceeds the existing undisturbed open space on the site.

Environmental impacts have been addressed by the proposed use of storm water detention and Best Management Practices facilities and infiltration systems to keep rain water on-site, while mitigating potential impacts of pollution. Staff therefore believes that this standard has been satisfied.

General Standard 2 states that the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. New development proposed with this application is located in the R-C District, which permits uses other than residential uses which are compatible with the low density residential character of the district. The 7.42 acre size of the site, and the proposed location of the additions with the preservation of existing vegetative buffers along the periphery of the property and the planting of supplemental landscaping will ensure that the development continues to be compatible with surrounding low-density residential development. Staff therefore believes that this standard has been met.

General Standard 3 states that the proposed use shall be such that it will be harmonious with and will 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 shall 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. Supplemental landscaping has been provided in addition to the substantial existing vegetation which will buffer the church buildings from the surrounding low-density residential development. Staff believes that the application has satisfied this standard.

General Standard 4 states that the proposed use to 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. It is not anticipated that this use will conflict with existing and projected traffic in the surrounding area. There is an existing median break on Ox Road allowing northbound traffic to enter the site and a right turn lane for southbound traffic to turn into the site, with traffic able to enter and exit the site directly from Ox Road, no traffic should be on local streets for this use. Staff therefore believes this standard has been satisfied.

General Standard 5 states that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. The fifty foot buffer along the property's southern and western property lines are maintained with the exception of the area of a stormwater management facility in the southeastern corner of the site. Supplemental plantings representing five percent of the net land area when mature will result in approximately 46% of the site being undisturbed open space which exceeds the existing undisturbed open space on the site. With traffic being able to enter and exit the site directly from Ox Road no traffic should be on local streets for this use. Staff therefore believes this standard has been satisfied.

General Standard 6 states that open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. There is no "open space" requirement as outlined in the Zoning Ordinance for this use. However as previously noted to achieve water quality in the Occoquan Watershed as recommended in the Comprehensive Plan, typically 50% of the site should remain in undisturbed open space. The property was developed prior to the implementation of this policy. The applicant has provided 41% undisturbed open space and with supplemental plantings that when mature will result in approximately 46% of the site being undisturbed open space which exceeds the existing undisturbed open space on the site. For this reason, staff believes we can support this proposal.

General Standard 7 sets forth that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11. The proposed parking for the maximum seating capacity of the church of 400 seats proposed at the completion of Phase 3 provides parking with a ratio of one parking space to 2.5 seats for the church which exceeds the Zoning Ordinance requirement of one space to every four seats. The current proposal meets the Zoning Ordinance requirement of one space to every 0.19 children in the nursery school (99 children maximum enrollment). As discussed above under Standard 1, the applicant has provided innovative measures to address stormwater management and water quality. In addition to the innovative techniques discussed above, an underground detention facility is proposed. Staff believes that this standard has been satisfied.

General Standard 8 states that signs shall be regulated by the provisions of Article 12;

however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance. A development condition has been included that requires compliance with Article 12 and therefore, this standard has been met.

Subject to the proposed development conditions, all applicable standards have been satisfied.

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

RECOMMENDATIONS

Staff recommends approval of SPA 86-S-023-2 subject to 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.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Development Conditions and Plat Approved for SPA 86-S-023-1
5. Environmental Analysis
6. Urban Forest Management Analysis
7. Transportation Analysis
8. Stormwater Management Analysis
9. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS**September 5, 2006**

If it is the intent of the Board of Zoning Appeals to approve SPA 86-S-023-2 located at Tax Map 68-3 ((1)) 50 and 51A for an amendment to SP 86-S-023 previously approved for a church and nursery school to permit an increase in seats, building additions and site modifications pursuant to Section 3-C03 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 applicant only, Trustees for Living Savior Lutheran Church and is not transferable without further action of this Board, and is for the location indicated on the application, 5500 Ox Road 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 William H. Gordon Associates, Inc., December 2005, revised through August 9, 2006, signed August 10, 2006 sheets one (1) through ten (10), and approved with this application, as qualified by these development conditions.*
3. A copy of this special permit and the Non-Residential Use Permit (Non-RUP) 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. Upon the issuance of a new Non-RUP, the seating capacity of the main worship hall shall not exceed ~~200~~ 400. During the first phase of construction the sanctuary seating may increase to 304 seats. The seating may increase to 400 only with construction of the new parking area bringing the total parking to 179 spaces.*
6. There shall be a maximum enrollment of (ninety-nine) 99 children in the nursery school.*
7. Parking shall be provided as depicted on the special permit plat. All parking shall be on site.

8. Transitional screening shall be modified along all lot lines to permit existing vegetation to satisfy the requirements, but shall be supplemented as shown on the plat as variety, size and location of supplemental plantings shall be determined in consultation with the Urban Forest Management (UFM), DPWES.
9. A tree preservation and landscaping plan shall be submitted to the UFM for review and approval at the time of site plan review. This plan shall designate, at a minimum, the limits of clearing and grading as delineated on the special permit plat in order to preserve to the greatest extent possible individual trees or tree stands that may be impacted by construction.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing a minimum of four feet in height to be placed at the dripline of the trees to be preserved. Tree protection fencing in the form of a four foot high 14 gauge welded wire fence attached to six foot steel posts driven 18 inches into the ground and placed no further than ten feet apart, shall be erected at the final limits of clearing and grading and shown on the erosion and sediment control sheets. Tree protection fencing shall only be required for tree save areas adjacent to clearing and grading activities. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any construction work being conducted on the Application Property. A certified arborist shall monitor the installation of the tree protection fencing and verify in writing that the tree protection fence has been properly installed. Three days prior to commencement of any clearing and grading, UFM shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

The trees designated for replanting on the southern portion of the property will be field located as determined in consultation with UFM. If the trees fail to survive within one year they will be replaced as determined necessary by UFM.

10. Foundation plantings and shade trees shall be provided around the church building to soften the visual impact of the structures. The species, size and location shall be determined in consultation with UFM.
11. The barrier requirements shall be modified along the southern and western sides in order to allow the existing board on board fence to remain in its current location inside the property line. The barrier requirement shall be waived along the eastern and northern property boundaries.
12. Interior and peripheral parking lot landscaping shall be provided, at a minimum, in conformance with the requirements of Article 13 of the Zoning Ordinance. Size, species and number of all plantings shall be determined in consultation with UFM.
13. Stormwater management and Best Management Practices (BMP) facilities designed to protect the Occoquan Watershed shall be provided as shown on the Special Permit Amendment Plat. Additional measures such as Low Impact

Development (LIDS) methods may be provided as determined by DPWES. The applicant shall enter into an agreement with DPWES, in such a form as required by DPWES, at the time of site plan approval that sets forth a maintenance schedule and procedure for the underground detention facility.

14. Right-of-way dedication shall be provided as depicted on the plat, or as determined by the Department of Transportation and the Virginia Department of Transportation (VDOT). The right-of-way shall be dedicated for public street purposes and shall convey to the Board of Supervisors in fee simple on demand or at the time of site plan approval, whichever occurs first.
15. Any new proposed lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Outdoor lighting fixtures shall not exceed twelve (12) feet in height, measured from the ground to the highest point of the fixture, shall be of low intensity design and shall utilize full cut-off fixtures which focus directly on the subject property. Parking lot lighting shall be turned off one-half hour after any event held at the church except for building mounted security lighting which shall be shielded to prevent off-site glare.
16. The maximum number of employees for the church shall not exceed twelve (12) and the maximum number of employees for the nursery school shall not exceed thirty four (34).
17. An outdoor recreation area shall be provided in accordance with Sect. 8-305.*
18. Access to the site shall be provided by Ox Road. No access to the site shall be provided from Fourstairs Court.*
19. No outside speakers or public address systems shall be permitted.*
20. With the inclusion of revegetated areas depicted on the SPA Plat the total amount of undisturbed open space shall not be less than 46% of the total site area.

These conditions 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 construction has commenced and been diligently prosecuted. Commencement of Phase I shall establish the use as approved pursuant to this special permit as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written

request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special 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.