



APPLICATION FILED: May 5, 2006

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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 73-D-150-3

DRANESVILLE DISTRICT

APPLICANT: Trustees of the McLean Korean Presbyterian Church

ZONING: R-3

LOCATION: 7140 and 7144 Old Dominion Drive

ZONING ORDINANCE PROVISIONS: 3-303

TAX MAP: 30-1 ((1)) 75, 83A Pt.

LOT SIZE: 2.64 acres

F.A.R.: 0.156

PLAN MAP: Residential 2-3 du/acre

SP PROPOSAL: An amendment to SP 73-D-150 previously approved for a church, to permit building addition, increase in land area, increase in seating (request subsequently withdrawn), increase in parking, and site modifications.

STAFF RECOMMENDATION: Staff recommends approval of SPA 73-D-150-3 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
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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

The request is an amendment to SP 73-D-150 previously approved for a church, to permit a building addition of a third floor to the part of the existing building adjacent to the south side of the sanctuary. This will increase the building size by 3,392 feet from the current 14,638 square feet to 18,030 square feet. The additional space will be used for offices and storage. The application originally proposed an increase of fifty sanctuary seats in a proposed balcony area of the sanctuary. The request for additional sanctuary seats and construction of the balcony was withdrawn by the applicant. Instead the area will be closed off and used for storage. An increase in parking spaces from 133 to 135 and a reconfiguration of the parking lot and travel aisles to better facilitate onsite traffic flow is also proposed. Additionally, the applicant has been granted an easement on adjacent lot 83A for the purposes of access and parking. This area has been included in the special permit area.

	<u>Existing</u>	<u>Proposed</u>
Size:	2.64 acres	2.64 acres
Parking:	133 spaces	135 spaces
Gross Floor Area:	14,638 square feet	18,030 square feet
FAR:	0.127	0.156
Number of Seats:	294 seats	294 seats
Employees:	5	5
Hours (Existing and Proposed):		
Sunday:	11:00 a.m. to 12:00 p.m. (Sunday Service) 12:30 p.m. – 1:30 p.m. (Youth Service)	
Wednesday	8:00 p.m. – 9:00 p.m. (Evening Bible Study)	
Saturday	7:00 p.m. – 9:00 p.m. (Choir Practice)	
Monday through Friday: (Office Hours)	9:00 a.m. to 5:00 p.m.	

Waivers and Modifications:

A modification of the transitional screening requirements is requested along all lot lines to allow existing vegetation, supplemented by additional plantings to satisfy the requirements, with a six foot board on board fence with brick pillars and supplemental plantings along the northern property line.

The applicant also requests a waiver of the barrier requirements along Old Dominion Drive and a modification of the barrier requirement to the 4 foot fence as shown on the SPA Plat.

LOCATION AND CHARACTER

Existing Site Description: The subject property is located at 7140 and 7144 Old Dominion Drive south its intersection with Balls Hill Road. Adjacent properties to the north, east south and west are zoned R-2 and developed with single family detached dwellings.

The existing church building consists of 14,638 square feet. It consists of two wings configured in an "L" shape . The building is situated on the northwestern portion of the property fronting on Old Dominion. The wing housing the sanctuary is on the northernmost side while the building used for office, ancillary and storage functions is attached and located to the south of the sanctuary. There are currently 133 parking spaces, a majority of which are located in the rear of the church. Access to the site is provided form two curb cuts onto Old Dominion Drive one each at the northern and southern terminus of the property. The southern most entrance is located on Lot 83A which is not owned by the church but is a 50 foot ingress/egress and parking easement granted to the church.

BACKGROUND**Site History:**

The church was originally constructed prior to the 1972 Zoning Ordinance Amendment requiring Special Permit approval for churches in residential district.

On September 12, 1973, the Board of Zoning Appeals (BZA) approved Special Permit S-150-73 to allow an addition to the existing church, expanding the church building to its present size.

On January 17, 1984, the BZA denied SPA 73-D-150-1 for a request to permit land area for off-site parking on non-contiguous nearby lot 56.

The BZA on April 26, 1988, granted SPA 73-D-150-2 which permitted a change in permittee for the church use from McLean Presbyterian Church to McLean Korean Presbyterian Church. A copy of the BZA Resolution for SPA 73-D-150-2 is included in this report as Appendix 4.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Residential	R-3	Residential 2-3 du/acre
South	Residential	R-3	Residential 2-3 du/acre
East	Residential	R-3	Residential 2-3 du/acre
West	Residential	R-3	Residential 2-3 du/acre

COMPREHENSIVE PLAN PROVISIONS

Plan Area: McLean Planning District, Area II
Planning Sector: Balls Hill Community Planning Sector (M4)
Plan Map: Residential 2-3 du/acre

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Amendment Plat, Antioch Baptist Church
Prepared By: Dewberry and Davis, LLC.
Dated: May 2, 2006, revised through August 15, 2006

Proposed Use:

The request is an amendment to SP 73-D-150 previously approved for a church, to permit a building addition of a third floor to the part of the existing building adjacent to the south end of the sanctuary building and the addition of, what is now proposed to be, storage space above the sanctuary. This will increase the building size by 3,392 feet from the current 14,638 square feet to 18,030 square feet. The additional space will be used for offices and storage. The application originally proposed an increase of fifty additional sanctuary seats in a proposed balcony area of the sanctuary. At the request of staff the proposed additional sanctuary seats were withdrawn from the application. The proposed 532 square foot balcony addition in the sanctuary will be used for storage and/or office space. An increase in parking spaces from 133 to 135 and a reconfiguration of the parking lot and travel aisles to better facilitate onsite traffic flow is also proposed.

Access to the site is provided from two curb cuts onto Old Dominion Drive, one each at the northern and southern terminus of the property. The southern most entrance is located on Lot 83A which is not owned by the church but is a 50 foot ingress/egress and parking easement granted to the church. The northern entrance is being relocated further to the north and widened from 20 to 30 feet.

In addition to the preservation of some existing trees in the transitional screening and interior landscaped portions of the site, supplemental landscaping including shade, ornamental and evergreen trees are shown elsewhere to provide additional screening. The plat indicates that approximately thirty-eight percent (38%) of the entire site will be preserved as undisturbed open space.

Along a portion of the northern lot line the applicant is requesting a reduction of the transitional screening yard and location of the barrier in favor a six foot board on board fence with brick pillars and supplemental plantings. This is to accommodate 10 parking spaces that will be located in this area as part of the reconfiguration of the parking and travel lanes on site.

Along a portion of the southern lot line adjacent to on Lot 83A which the 50 foot ingress/egress and parking easement, a six foot high split rail wooden fence is proposed . A four foot high fence is shown along the rear lot line.

The plat indicates that stormwater management will be provided by a proposed percolation trench in the northeast corner of the site where the elevation is lowest.

The existing church signed located at the Old Dominion Drive frontage is proposed to be removed and replaced with a new sign.

Land Use Analysis

The Comprehensive Plan recommends that property in this area be developed residentially at 2 to 3 dwelling units per. The Comprehensive Plan does not have specific plan language regarding this area. There are no land use issues associated with this application.

Transportation Analysis (Appendix 5)

Issue:

The transportation analysis indicates that the site should be able to accommodate all parking on site and that the additional 50 seats proposed in the balcony may have resulted in inadequate parking, particularly with some of the parking on site proposed as tandem parking spaces, which are not permitted under the Public Facilities Manual. Staff requested that the applicant delete that addition seats and eliminate the tandem spaces.

Resolution:

In response to staff's concerns, the applicant withdrew the proposal for fifty additional sanctuary seats which would decrease the ratio of parking provided. The applicant also removed the tandem spaces. The reconfiguration of the parking area and the elimination of the additional sanctuary seats should improve parking and traffic circulation on the site. Therefore, issue has been resolved.

Environmental Analysis (Appendix 6)**Issue:**

The subject property is densely wooded around the periphery with large numbers of healthy, mature trees, primarily red oak and yellow poplar. The tree canopy on all sides of the existing parking lot provides a significant natural buffer between the church parking lot and the neighboring residential properties to the north, east and south of the site. In addition, these trees provide a significant amount of shading for the parking lot, which helps to prevent evaporation from the impervious surfaces of the site, reducing the heat island effect and enhancing air quality. The proposed expansion of the parking lot extends close to the edges of the lot on the north, east and south sides, requiring removal of a significant number of mature trees. On the northeastern corner, the limits of clearing and grading extend well beyond the drip line and close to the trunk of two of the mature trees designated to be preserved, leaving the survival of these trees in question.

Resolution:

Additional meetings with the applicant and subsequent visits to the site resulted in adjustment of the limits of clearing and grading to result in additional tree save along the northern and eastern boundary's of the property. Also additional supplemental planting have been proposed in this area to retain a twenty-five foot buffer area. An onsite inspection by staff as well as analysis of aerial photos and other data indicated that the additional areas of impervious surface associated with the new parking areas were primarily grass covered resulting in less of a loss of existing trees than originally anticipated. A proposed development condition requires the applicant to work with Urban Forestry Management (UFM) in the Department of Public Works and Environmental Services (DPWES) to help identify the trees which should be avoided and to preserve additional significant trees where possible. If such trees cannot be preserved additional plantings as determined by UFM will be provided. With the imposition of this development condition this issue is addressed.

Issue:

A 100-foot by 18-foot percolation trench is proposed in the northern portion of the parking lot to catch the increased sheet flow from the parking lot and reduce phosphorous by 41.5%. Staff from DPWES has suggested that the rate of infiltration used in calculations may be too fast and the proposed infiltration trench may need more

capacity.

Resolution:

The exposed portion of the proposed percolation trench has been reduced in with the remainder being under the pavement of the redesigned travel way. Any proposed stormwater management/best management practice (SWM/BMP) facility will be subject to review and approval by staff in DPWES. If the proposed trench is inadequate in capacity the applicant is required by a proposed development condition to meet the capacity requirements as determined by DPWES. With the imposition of a proposed development conditions which requires that stormwater management and best management practices facilities shall be provided as determined by DPWES this issue is addressed.

Issue:

The Countywide Trails Plan Map depicts a Major Paved Trail (defined as asphalt or concrete eight feet or more in width) and an On-Road Bike Route on the subject property's Old Dominion Drive frontage. Neither trail is shown on the SPA plat; however, the Major Paved Trail is described in note 20. It is not clear whether the applicant intends to provide these trails or seeks a waiver of these trails.

Resolution:

A note on the SPA Plat shows a possible 8 foot wide asphalt trail along the properties Old Dominion Road frontage to be determined at the time of site plan review.

DPWES Stormwater Analysis (Appendix 7)

Issue:

The Stormwater Management issues were discussed earlier in the Environmental Analysis.

Urban Forest Management Analysis (Appendix 8)

Issue:

As noted above in the Environmental Analysis the subject property is densely wooded around the periphery with large numbers of healthy, mature trees, primarily red oak and yellow poplar. The tree canopy on all sides of the existing parking lot provides a significant natural buffer between the church parking lot and the neighboring residential properties to the north, east and south of the site.

Resolution:

Subsequent to the publication of the Urban Forestry Analysis the limits of clearing and grading along the northern side of the property were modified to incorporate additional existing mature trees. Also a proposed development condition requires the applicant to work with the UFM to help identify the trees which should be protected and to preserve additional significant trees where possible. If such trees cannot be preserved, additional plantings as determined by UFM will be required. A development condition is also proposed which requires the applicant to provide a tree preservation and landscape plan subject to the approval of the UFM at the time of site plan approval and also a development condition to insure effective preservation of existing trees. With the imposition of these development conditions this issue is addressed.

ZONING ORDINANCE PROVISIONS

R-3 DISTRICT REGULATIONS	REQUIRED	PROVIDED
Bulk Regulations R-3		
Lot Size	10,500 sq. ft.	2.64 acres
Lot Width	80 feet (interior lot)	276 feet
Building Height	60 feet	42 feet
Front Yard	40° ABP (38 feet) but not less than 30 feet	70 feet
Side Yard	35° ABP (32 feet) but not less than 10 feet	40 feet
Rear Yard	35° ABP (32 feet) but not less than 25 feet	215 feet
FAR	0.25	0.156
Parking		
Parking Spaces	74 spaces	135 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 10.0 to 50.0 ft.
East (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Approx. 25.0 ft. of existing vegetation, supplemented by evergreen, ornamental and shade trees
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, varying in widths from 0.0 to 40 ft. supplemented by evergreen, ornamental and shade trees
West (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Approx. 0.0 to 25.0 ft. of existing vegetation supplemented by evergreen, ornamental and shade trees
Barrier		
North (Single family residential)	Barrier D, E or F	6.0 foot high board on board fence with brick pillars
South (single family residential)	Barrier D, E or F	6.0 foot high split rail fence
East (Single family residential)	Barrier D, E or F	4.0 wire fence
West (Single family residential Old Dominion Dr.)	Barrier D, E or F	None*

* Waiver requested.

WAIVERS/MODIFICATIONS REQUESTED

Waiver/Modification: A modification of the transitional screening requirements is requested along all lot lines to allow existing vegetation, supplemented by additional plantings, to satisfy the requirements. Along a portion of the northern lot line the applicant proposing a six foot board on board fence with brick pillars and supplemental plantings.

The applicant also requests a waiver of the barrier requirements along Old Dominion Drive and a modification of the barrier requirement to the 4 foot fence as shown on the SPA Plat.

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. A proposed development condition requires the applicant to work with the UFM to help identify the trees which should be protected and to preserve additional significant trees where possible. If such trees cannot be preserved additional plantings as determined by UFM will be provided. Staff feels the proposed barriers are adequate. A development condition is also proposed which requires the applicant to provide a tree preservation and landscape plan subject to the approval of the UFM at the time of site plan submission and also a development condition to insure effective preservation of existing trees. With these measures staff therefore supports the modification requests.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (Appendix 9)

General Special Permit Standards (Sect. 8-006)
Group 3 Standards (Sect. 8-303)

Summary of Zoning Ordinance Provisions

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 73-D-150-3 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 73-D-150-3
5. Transportation Analysis
6. Environmental Analysis
7. Stormwater Management Analysis
8. Urban Forest Management Analysis
9. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS**July 25, 2006**

If it is the intent of the Board of Zoning Appeals to approve SPA 73-D-150-3 located at Tax Map 30-1 ((1)) 75 and 83A Pt., for an amendment to SP 73-D-150 previously approved for a church to permit an increase in seats, increase in land area, increase in parking, and site modifications pursuant to Section 3-303 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, McLean Korean Presbyterian Church, and is not transferable without further action of this Board, and is for the location indicated on the application, 7140 and 7144 Old Dominion Drive, 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 Dewberry and Davis, LLC , Inc., dated May 2, 2006, as revised through August 15, 2006 sheets one (1) through three (3) 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. The maximum number of seats in the main area of worship shall be 294.*
6. Parking shall be provided as depicted on the special permit plat. All parking shall be on site. There shall be no overflow parking permitted along adjacent subdivision streets. The applicant shall make all members aware of this restriction. In addition, the applicant shall encourage car-pooling among its members and shall designate a person within the church administration to act as a point of contact for neighbors with traffic concerns.
7. 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, with the following additions:

Notwithstanding that which is shown on the plat, the extent of tree preservation shall be the greatest extent possible on-site, as determined by the Urban Forest Management (UFM). Supplemental plantings over and above that which is shown on the plat may be required as determined necessary by UFM to supplement existing vegetation. The size, species and location of all supplemental and transitional screening plantings shall be determined in consultation with UFM.

8. A tree preservation plan shall be submitted to 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.
9. 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.
10. The barrier requirement shall be waived, as depicted on the special permit amendment plat.
11. 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, at the time of site plan review.
12. The limits of clearing and grading shall be no greater than as shown on the SP Plat or as modified by these conditions and shall be strictly adhered to. A grading plan which establishes the final limits of clearing and grading necessary to construct the improvements shall be submitted to UFM, for review and approval. Prior to any land disturbing activities, a pre-construction conference shall be held between DPWES, including UFM, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction. In no event shall any area on the site be left denuded for a

period longer than 14 days except for that portion of the site in which work will be continuous beyond 14 days.

13. Stormwater management and Best Management Practices facilities shall be provided as determined by DPWES.
14. 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. Outdoor building-mounted security lighting shall be shielded to prevent off-site glare
15. The applicant shall obtain a sign permit for the proposed sign in accordance with the provisions of Article 12 of the Zoning Ordinance.
16. If determined by necessary by VDOT at the time of site plan approval, the applicant shall design and construct an asphalt or concrete trail eight feet or more in width along the Old Dominion Drive frontage of the property.
17. If the proposed trench is determined to be inadequate in capacity the trench shall be redesigned to meet the capacity requirements as determined by DPWES.

These conditions supersede all previous conditions. This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. 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. 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.