

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

OAKTON SWIM AND RACQUET CLUB, INC., SPA 82-C-067-03 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 82-C-067 previously approved for swim and racquet club to permit site modifications, building addition and modifications of development conditions. Located at 11714 Flemish Mill Ct. on approx. 6.75 ac. of land zoned R-1. Sully District. Tax Map 46-2 ((13)) A2. Ms. Gibb moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on August 5, 2008; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The Board has a favorable staff report.
3. Staff recommends approval of this application.
4. This is a modest request, simply to add decking, a masters' class earlier in the morning for adults, and a larger snack bar.
5. The proposal seems to have little impact with little intensification of the use they currently have.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Oakton Swim and Racquet Club, and is not transferable without further action of this Board, and is for the location indicated on the application, 11714 Flemish Mill Court (6.75 acres), 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 Paciulli, Simmons & Associates, Ltd., dated April 14, 2008, as revised through June 26, 2008, 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

development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

5. There shall be a maximum of 500 family memberships. Residents of the surrounding Waples Mill Estates Subdivision shall be granted priority for membership.
6. There shall be 77 parking spaces provided as shown on the special permit plat. All parking shall be on site.
7. Tennis court lights for the courts shall be on standards which do not exceed 20 feet in height. All tennis court lights shall be equipped with an automatic shut-off mechanism designed to ensure that the lights are only on when the courts are in use during the approved hours of operation. This mechanism shall be tested monthly and adjusted or repaired as necessary to ensure compliance. To further minimize the impact of the lights on adjacent properties, the lights shall be directed downward, and shall be shielded to prevent glare on adjacent properties.
8. The maximum hours of operation for all tennis courts on the site shall be between 7:00 a.m. and 10:00 p.m. The regular hours of operation for the swimming pool shall be 9:00 a.m. to 9:00 p.m., except that competitive teams from the swim club shall be allowed to practice as early as 7:00 a.m. The 7:00 a.m. swim practice shall not involve the use of amplified sound including but not limited to amplified timing systems, pre-recorded music, starters pistols, or public address systems. A masters (adult) swim practice may begin at 6:30 a.m. After hour parties for the swimming pool shall be governed by the following:

Limited to six (6) per season.

Shall not extend beyond 12:00 midnight.

9. During discharge of swimming pool waters, the following operation procedures shall be implemented:

Sufficient amounts of lime or soda ash shall be added to the acid cleaning solution in order to achieve a pH approximately equal to that of the receiving stream. The Virginia Water Control Board standards for the class II and III waters found in Fairfax County range in pH from 6.0 to 9.0. In addition, the standard dissolved oxygen shall be attained prior to the release of pool waters and shall require a minimum concentration of 4.0 milligrams per liter.

If the water being discharged from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, the water shall be allowed to stand so that most of the solids settle out prior to being discharged.

10. If a public address system is used, its use shall be limited to swim meets, special parties and emergencies and its volume shall be modulated in accordance with the provisions of Chapter 108 of the Code of Fairfax County (the "Noise Ordinance"), which currently sets a maximum sound pressure level of 55 dBA. If the limits in the Noise Ordinance are lowered, the sound level shall conform to the new requirements; however, in no instance shall the sound pressure level exceed 55 dBA.

11. To fulfill the requirements for Transitional Screening, all existing vegetation, including the supplemental evergreen plantings on the western lot line and the row of evergreen trees along the site's boundary with Lots 408, 409, and 305 shall be maintained. Any dead or dying vegetation shall be replaced with like kind a minimum 8 feet in height and have an ultimate height of a least 25 feet as determined feasible by the Urban Forest Management Division, Department of Public Works and Environmental Services (UFMD/DPWES). Existing evergreens may be used to fulfill the requirement for supplemental plantings along Lots 408, 409, and 305 provided the existing trees are determined by the UFMD/DPWES to be of a height and quality which will provide effective screening of the tennis courts and lights. Existing vegetation along the remaining portions of the eastern, northern, and western lot lines shall be reviewed by the UFMD/DPWES and supplemental plantings may be required if necessary to meet the intent of Transitional Screening 1.
12. The Barrier requirement shall be waived.
13. The applicant shall meet Stormwater Management and Best Management Practices (BMP's) as determined by the Department of Public Works and Environmental Services (DPWES). If any structural facilities are required, no existing or proposed vegetation as shown on the special permit amendment plat shall be removed to install the structures.
14. To ensure that any water or runoff which may flow across the site does not adversely impact adjoining property owners, the grading plan for the tennis courts shall be designed and engineered with swales or other methods as determined appropriate by DPWES to ensure that runoff is properly channeled into the existing inlet located southeast of the tennis courts.
15. Sales activity from the tennis hut shall be limited to members of the club.
16. A written copy of all applicable development conditions shall be provided to the individual responsible for any after-hours party or event, to all members, to contractors providing services at the club, and to parties who may rent the club's facilities.
17. Signs shall be in conformance with Article 12 of the Zoning Ordinance.

These development conditions incorporate and supersede all previous development 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 pursued. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Smith seconded the motion, which carried by a vote of 7-0.