

## COUNTY OF FAIRFAX, VIRGINIA

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

TRUSTEES OF CROSSROADS BAPTIST CHURCH, SPA 90-M-036-02 Appl. under Sect(s). 3-303 of the Zoning Ordinance to amend SP 90-M-036 previously approved for church with child care center, nursery school and private school of general education to permit increase in land area, building addition, site modifications and an increase in enrollment. Located at 3494 Paul St., 3538 Moncure Ave. and 5811 Hoffmans La. on approx. 1.74 ac. of land zoned R-3 and HC. Mason District. Tax Map 61-4 ((30)) 22 and 61-4 ((39)) 6 and 61-4 ((1)) 112. (Admin. moved from 7/15/08 for ads.) (Admin. moved from 9/23/08 at appl. req.) Mr. Smith 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 October 21, 2008; and

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

1. The applicants are the owners of the land.
2. The present zoning is R-3 and HC.
3. The area of the combined property is 1.74 acres.
4. The applicant has done a good job working with the citizens, listening to concerns and addressing the concerns that they could.
5. In response to citizen concerns, changes were made to the redesign of the child care center, which allowed for addition transitional screening, the brick wall, the saving of a number of existing trees, and landscaping along the northeastern lot line, which resulted in much of the support that the applicant received.

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 applicants only, Crossroads Baptist Church, and is not transferable without further action of this Board, and is for the locations, 3494 Paul Street, 3538 Moncure Avenue and 5811 Hoffmans Lane, 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 Huntley, Nyce and Associates, Ltd. dated October 30, 2007 revised through September 24, 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 (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 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. Upon obtaining a Non-RUP for the Child Care Center building on Lot 22, the total maximum daily enrollment for the child care center and private school of general education shall be 150 children, 25 of which will be students of the private school of general education, as qualified by Condition Number 7.
6. The maximum number of seats in the church shall not exceed 232, as qualified by Condition 7.
7. If a shared parking agreement or parking reduction is approved by the Department of Public Works and Environmental Services (DPWES) the number of parking spaces provided shall be 73. All parking shall be on site as shown on the special permit plat. If a shared parking agreement or parking reduction is not approved by DPWES, the number of seats in the sanctuary and/or the number of students in the child care center/school must be reduced to correspond to a number that can be supported by the parking spaces provided on site as determined by DPWES. No buses shall be parked or stored on the site.
8. The hours of operation for the child care center shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday. The hours of operation for the private school of general education shall be limited to 8:30 a.m. to 3:30 p.m., Monday through Friday.
9. Until such time as a Non-RUP for the new child care center on Lot 22 is issued, the maximum number of children permitted in the outdoor recreational area at anyone time shall be thirty (30). The outdoor recreational area of 9,000 square feet as shown on the special permit plat shall be provided. This area shall be enclosed with a six (6) foot high solid board-on-board fence on the southeastern side of the playground. The portable fence with a minimum of three (3) feet high shall be utilized any time children are present in the play area. This fence shall not block any accessible parking spaces or ramps. In addition to the play area outlined above, the applicant shall use the additional play areas as outlined in their statement of justification. These play areas shall consist of the three (3) playgrounds located on the Oakview Garden Apartment property and the Bailey's Crossroads Recreation Center. If the play areas at the Oakview Garden Apartments and/or the Recreation Center are not available, then the child care center and school use shall be null and void.

Following issuance of a Non-RUP for the child care center on Lot 22, the only recreation area in use shall be the first floor level recreation space as shown on the approved special permit amendment plat.

10. All existing vegetation around the periphery of the site of the existing church on Lot 112, shall be maintained and supplemented as deemed necessary by the Urban Forest Management Branch to provide screening to adjacent residential properties. This landscaping shall be

deemed to satisfy the transitional screening requirements along the property lines on Lot 112. Dead or dying plant material shall be replaced to maintain the transitional screening. The foundation plantings around the structure which are designed to soften the visual appearance of the structure shall be maintained and any dead or dying planting shall be replaced with Dogwoods, Silverbells, Magnolias and Crab apple to the satisfaction of the Urban Forest Management Branch.

11. Barrier F (brick wall) shall be provided along a portion of the northern lot line and a board-on-board fence shall be provided along a portion of the northern lot line, the eastern lot line and a portion of the southern lot line as depicted on the plat. The barrier requirement shall be waived along the rest of the lot lines of the existing church on Lot 112.
12. All outdoor lighting fixtures used to illuminate the parking area shall not exceed 12 feet in height and shall be of such design and so located and oriented as not to produce glare or cause illumination in excess of 0.5 foot candles on the adjacent existing residential uses. No outdoor area shall be lighted at any time other than when necessary due to evening functions or other special events. 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. Any new 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.
13. All signs on the property shall be provided in accordance with the requirements of Article 12, Signs, of the Zoning Ordinance.
14. Stormwater detention shall be provided as determined as necessary by the Department of Public Works and Environmental Services (DPWES). If underground detention is used, the tanks shall be locked and secured such that children in the area are unable to enter the detention facility.
15. Prior to site plan approval, detailed plant schedule with specifications for all landscape plantings shall be provided to the satisfaction of Urban Forest Management, DPWES. In order to contribute to maintaining water quality and providing native plant material for wildlife, native shrubs and groundcover shall be provided around the buildings and along portions of the parking lot as determined by DPWES.
16. Full transitional screening shall be provided along the southwestern and northwestern lot lines on Lot 22. Number, size and variety of the plant material shall be determined in consultation with Urban Forest Management (UFM), DPWES.
17. Interior Parking lot landscaping on Lot 112 shall be provided and maintained in accordance with Article 13.
18. A tree preservation plan shall be submitted to Urban Forest Management for review and approval at the time of site plan review. This plan shall designate the limits of clearing to preserve the trees shown to be saved along the southwestern lot line of Lot 22 as determined feasible by UFM. Prior to any land disturbing activities, a pre-construction conference shall be held on-site between DPWES, including the Urban Forester and representatives of the applicant and the construction site superintendent responsible for the on-site construction

activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, tree protection measures, and erosion and sedimentation controls to be implemented during construction.

19. Prior to site plan approval, it shall be demonstrated to the satisfaction of DPWES that adequate outfall can and shall be provided in accordance with the PFM.
20. There shall be no child care center activities on Lot 22 or school of general education activities on Sundays or concurrent with any other evening church services. This condition does not preclude the use of the facility as a nursery during either weekday or weekend services.
21. The administrators of the child care center and school shall designate a carpool coordinator to administer and encourage participation in a carpool program designed to reduce the number of vehicle trips to and from the school during rush hour periods.
22. Lot 6 shall be used for a parsonage and home office for the pastor/assistant pastor and related family, and will not be used for day-care or other church activities. The gate located in the wall between Lot 112 (the church) and Lot 6 (the parsonage) shall be locked except when in use by the pastor/assistant pastor and related family.

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.

Ms. Gibb seconded the motion, which carried by a vote of 6-0. Mr. Hammack was not present for the vote.