

## COUNTY OF FAIRFAX, VIRGINIA

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

NEW HOPE CHURCH, INC., AND SILO CENTER, LLC, SPA 2005-MV-010 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 2005-MV-010 previously approved for church with child care center to permit change in permittee, increase in enrollment, building additions, and modification of development conditions. Located at 8905 Ox Rd. on approx. 8.79 ac. of land zoned R-1. Mt. Vernon District. Tax Map 106-2 ((1)) 7. 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 August 5, 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 of the property is R-1.
3. The area of the lot is 8.79 acres.
4. There is a recommendation for approval from staff.
5. All three of the specific conditions of the Department of Transportation, Site Analysis Section, are accommodated in the development conditions presented by the applicant, and agreed to by staff, including the commitment for the pro rata contribution for the signal, the agreement to reconstruct the church entrance and the service drive, at such time the service drive is constructed on Parcel 8.
6. The applicant has presented a reasonable traffic circulation pattern to accommodate the traffic on the site so that it won't back up onto Route 123.
7. Both the elementary school and the Sunrise Senior Living facility support the application.

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, New Hope Church, Inc. and Silo Center LLC, and is not transferable without further action of this Board, and is for the location indicated on the application, 8905 Ox Road, Lorton, Virginia 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 amendment plat prepared by Charles F. Dunlap (Walter L. Phillips, Inc.) dated March 13, 2008, revised through July 10, 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 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 number of seats in the sanctuary shall not exceed 685.
6. Upon issuance of a new Non-RUP, the total maximum daily enrollment for the child care center shall not exceed 250 children with a maximum of 125 students onsite at any one given time.
7. The child care center's maximum hours of operation shall be 6:30 A.M. and 7:00 P.M., Monday through Friday.
8. Parking shall be provided as depicted on the special permit plat. All parking shall be on site.
9. All worship services shall be scheduled to avoid vehicles entering and exiting the site for services at the same time. Therefore, services shall be staggered so that no one service ends within a minimum of one hour of the next service's beginning and no Sunday School classes shall be held between services. The multi-use space (Phase II) shall not be used for services or other activities that coincide with services in the sanctuary other than Sunday School activities.
10. The transitional screening requirements shall be modified along the lot lines as shown on the special permit amendment plat.
11. The barrier requirement shall be waived along all lot lines except the southeast lot line where the existing chain link fence shall remain or be replaced with a fence of similar height and attractive material. In the event a special exception permitting an assisted living facility on TM 106-2 ((11)) 8 has not been granted by the Board of Supervisors by December 31, 2009, however, the Applicant shall remove the chain link fence and construct the seven foot high wood fence shown on the Plat.
12. Additional landscaping, as coordinated with Urban Forest Management, shall be provided along the perimeter of the proposed covered picnic area.
13. Lighting shall be provided in accordance with the Performance Standards contained in Part 9 (outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. There shall be no uplighting on site, including any sign or the building, and lights shall be turned off when the site is not in use except as reasonably necessary for security purposes.
14. The limits of clearing and grading shall be at a minimum of that shown on the special permit amendment plat. The proposed conservation easement areas shall remain undisturbed.

15. Stormwater Management/Best Management Practices facilities shall be provided as depicted on the special permit Amendment plat.
16. At such time as Blu Steel Way is extended across the frontage of the property, the applicant shall reconfigure its driveway so that the driveway shall intersect Blu Steel Way at an approximately 90 degree angle.
17. One year after the applicant is granted a Non-Residential Use Permit and every three (3) years thereafter ending 10 years after issuance of Non-Rup, the applicant shall perform and submit to Fairfax County Department of Transportation (FCDOT) a queuing analysis for the southbound left turn lane on Ox Road at the site entrance. In the event that the analysis indicates that the queue exceeds the capacity of the left turn bay, the applicant shall either extend the length of the left turn lane as necessary or commence an appropriate staggering of its Sunday morning services as determined by FCDOT.
18. Prior to issuance of the new Non-RUP, the applicant shall contribute to Fairfax County \$5,000, its pro rata share, of a traffic signal to be installed at the intersection of Ox Road and the joint entrance. The applicant's total pro rata share shall be held in escrow for a period of three years from the time of this contribution. In the event VDOT determines that a traffic signal is not warranted at the end of the three years, the funds may be used by Fairfax County for other transportation improvements.
19. Arrangements for police direction shall be made at the entrance on Sunday morning, if necessary.
20. No structure shall exceed 50 feet in height.
21. The pick up of preschool age children shall be in general conformance with the process depicted in Attachment 1.
22. At such time as a service drive is constructed by others across TM 106-2 ((1)) 8 to connect to TM 106-2 ((1)) 9A, the applicant shall construct a service drive in the existing public ingress/egress easement which runs across the Ox Road frontage of its property. Upon completion of the service drive, maintenance for the portion of the service drive on this property shall be the sole responsibility of this property owner unless the service drive is accepted by the Virginia Department of Transportation for maintenance or a private maintenance agreement with other parties is executed.
23. At such time that Blu Steel Way is extended across the frontage of the property, vegetation lost during construction shall be replaced with like kind.
24. The architecture of the covered picnic area shall be generally as depicted in the elevation included in Attachment 2.
25. The use of the outdoor baptistery, gathering area and covered picnic area shall not extend beyond 9:00 p.m.

26. There shall be no use of loudspeakers in either the outdoor gathering area with baptistery or the covered picnic area. However, this shall not prohibit church officials from utilizing an individual microphone/lavaliere for purposes of reasonable amplification of church functions in accordance with the limitation of the Fairfax County Noise Ordinance.
27. Acoustic music shall be allowed in the outdoor gathering area/baptistry and covered picnic area, but music shall not be broadcast using stereo or other electronic equipment.

These conditions incorporate and 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.

The special permit amendment may be undertaken in phases, e.g. the day care center enrollment may be increased before such time as Phase II, the outdoor gathering area with baptistry, and/or the covered picnic area are constructed. Pursuant to Section 8-015 of the Zoning Ordinance, this special permit amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless either a new non-RUP for the day care center with expanded enrollment has been issued or construction of the outdoor gathering area with baptistry and/or the covered picnic area has commenced and is being diligently pursued. The Board of Zoning Appeals may grant additional time 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. Beard seconded the motion, which carried by a vote of 7-0.