

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SAINT ANDREW LUTHERAN CHURCH, SPA 79-S-351-06 Appl. under Sect(s). 3-303 of the Zoning Ordinance to amend SP 79-S-351 previously approved for church with nursery school and private school of general education to permit addition of a child care center. Located at 14640 Soucy Pl. on approx. 2.56 ac. of land zoned R-3 (Cluster) and WS. Sully District. Tax Map 54-1 ((6)) 1A. Mr. Beard 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 11, 2009; and

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

1. The owner of the property is the applicant.
2. The present zoning is R-3.
3. The area of the property is 2.56 acres.
4. The FAR is 0.23.
5. There is a staff recommendation.
6. It was testified to and asserted that the applicant will not operate concurrently with the private school. The applicant already has space on the third floor.
7. The applicant agreed to the development conditions, particularly stripping the left turn lane prior to the issuance of a Non-RUP.
8. If the left-turn lane requires additional resurfacing, that is something the state or county is going to do.
9. The Board is sensitive to the needs of the County pursuant to child care.

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 appropriate section of 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, Saint Andrew Lutheran Church, and is not transferable without further action of this Board, and is for the location indicated on the application, 14640 Soucy Place (2.56 acres), and is not transferable to other land.
2. This special permit amendment is granted only for the church, nursery school, private school of general education or child care center indicated on the special permit plat prepared by Land Design Consultants, dated April 1997, as signed by Paul R. Jeannin, Landscape Architect, dated May 13, 1999, and approved with this application, as qualified by these development conditions.

3. A copy of this special permit amendment 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 uses.
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 amendment, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit amendment may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum number of seats in the church shall be 370.
6. The maximum total daily enrollment for the nursery school shall be 95 children.
7. The maximum hours of operation for the nursery school shall be limited to 9:00 a.m. to 3:30 p.m., Monday through Friday.
8. Upon issuance of the Non-RUP for the private school of general education, the maximum total daily enrollment shall be 99 children.
9. The maximum hours of operation for the private school of general education shall be limited to 8:00 a.m. to 2:45 p.m., Monday through Friday. The private school of general education shall not operate on-site simultaneously with the child care center.
10. Upon issuance of a Non-RUP for the child care center use, the maximum daily enrollment shall not exceed 65 children.
11. The maximum hours of operation for the child care center shall be limited to 6:30 a.m. to 6:30 p.m., Monday through Friday. The child care center shall not operate on-site simultaneously with the private school of general education.
12. Prior to the issuance of a Non-RUP for the child care center use, the applicant shall restripe westbound Braddock Road to establish a separate left turn lane into Cranoke Street and provide a through transition lane west of Sully Park Drive, subject to VDOT approval. However, if VDOT determines that Braddock Road needs to be resurfaced in order to accommodate the restriping, this condition shall be null and void.
13. The outdoor recreational area of 4,000 square feet shall be provided as shown on the special permit plat. This area shall be enclosed with a six (6)-foot high solid board-on-board fence on the side of the playground facing Braddock Road. This fence shall meet current noise mitigation standards as determined by DPWES. The other sides of the playground shall be enclosed with either a board-on-board or a chain-link fence. The maximum number of children permitted in the outdoor recreational area at any one time shall be forty (40).
14. Transitional Screening 1 shall be provided along the Braddock Road lot line.

Transitional Screening 1 shall be provided along Cranoke Street lot line.

The existing vegetation shall be maintained and shall be deemed to satisfy the transitional screening requirements along the property lines. Dead or dying plant material shall be

replaced to maintain the Transitional Screening as outlined.

The Transitional Screening requirement shall be modified along the Soucy Place lot line to allow a 10 foot wide yard; the one (1) row of evergreen trees shall be maintained and supplemented as determined by Urban Forest Management Division (UFMD), DPWES, to provide a solid row of trees to screen the parking lot from residential uses. Dead or dying plant material shall be replaced as needed.

15. Barrier H shall be provided along the eastern lot line. Existing vegetation may be used to satisfy this requirement, provided it is supplemented where necessary to meet the barrier requirements as determined by the UFMD.

The barrier requirement shall be waived along the northern, southern and western lot lines.

16. All parking for the uses shall be on-site as shown on the special permit plat. The applicant shall obtain approval of an amended parking reduction through DPWES as required by Sect. 11-106.3 of the Zoning Ordinance prior to the issuance of a Non-RUP for the child care center use to permit the shared uses of the church parking lot for the church, nursery school, private school of general education or child care center uses. If approval of an amended parking reduction is not obtained, the number of seats in the worship area and/or the number of children in the nursery school, private school of general education, or child care center shall be reduced to meet the parking requirements as determined by DPWES.
17. The applicant shall appoint a parking coordinator to ensure that the parking lot adequately provides for necessary parking and that the church parking does not take place into the surrounding neighborhood streets. If a problem is detected, then the church shall implement one or a combination of the following steps:
 - a) Car pooling;
 - b) Announcements by the church pastor requesting car pooling after a problem is detected or for special events or services for which a large turnout is expected;
 - c) Staggering of church services, or holding more than one Easter and Christmas service;
 - d) Arranging for parking at an appropriate alternate facility and providing transportation from such facility to the church;
 - e) Any other measure necessary to prevent parking from spilling into the residential neighborhood;
 - f) The applicant shall post the parking restrictions in their church bulletin each week to inform the congregation of these requirements.
18. All signs on the property shall be provided in accordance with the requirements of Article 12, Signs, of the Zoning Ordinance.
19. Stormwater Management (SWM) and Best Management Practices (BMPs) shall be provided as required by the Chesapeake Bay Preservation Ordinance, unless waived by DPWES. If the SWM/BMP structure is waived, all vegetation along the southwestern lot line depicted on the special permit plat to be removed for installation of the pond shall be preserved.

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.

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 the use as been established 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.

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

