



County of Fairfax, Virginia

December 1, 2009

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 00-Y-050-2

SULLY DISTRICT

APPLICANT: Chinmaya Mission Washington Regional Center

STREET ADDRESS: 4300 Block of Pleasant Valley Road

TAX MAP REFERENCE: 33-2 ((1)) 12A

LOT SIZE: 8.64 acres (Fairfax County)
0.55 acres (Loudoun County)

ZONING DISTRICT: R-C and W-S

ZONING ORDINANCE PROVISION: 3-C03

F.A.R.: 0.09

PLAN MAP: Residential, 0.1 – 0.2 du/ac

SPECIAL PERMIT PROPOSAL: Group 3 - To amend SPA 00-Y-050 previously approved for a church and related facilities to permit change in permittee.

STAFF RECOMMENDATION: Staff has no objection to the approval of special permit amendment SPA 00-Y-050-2, since the only requested change to the previously approved special permit amendment is to change the permittee.

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.

O:\Scaff2\Case Files\Special Permit Amendment\SPA 00-Y-050-2 CHINMAYA WASH. REG. CENT\CHINMAYA_staff report.doc Shannon Caffee

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 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.**

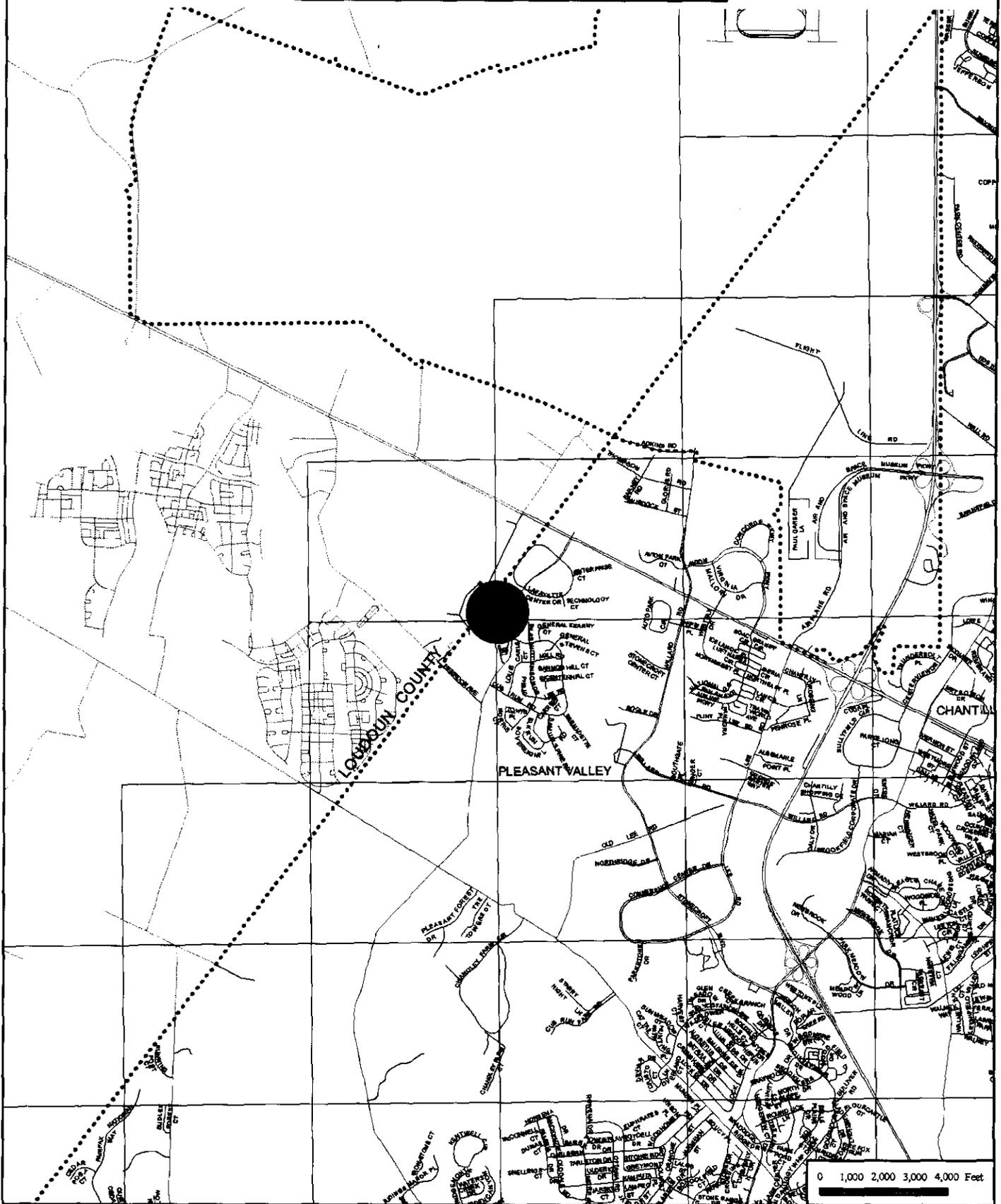


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit Amendment

SPA 00-Y-050-02

CHINMAYA MISSION WASHINGTON REGIONAL CENTER



SPECIAL PERMIT PLAT

GRACE COVENANT CHURCH

SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA
AND
MERCER DISTRICT
LOUDOUN COUNTY, VIRGINIA

ZONING REQUIREMENTS R-C DISTRICT

- MINIMUM LOT SIZE: 5.0 ACRES
- MINIMUM LOT WIDTH: 200 FEET
- MINIMUM INVESTING NETWORK: 80 FEET FOR STRUCTURES OTHER THAN RESIDENTIAL (FOR STRUCTURES OTHER THAN RESIDENTIAL)
- MINIMUM YARD WIDTH/HEIGHTS: 8 FT
- FRONT: 8 FT
- SIDE: 45° ANGLE OF BALK PLANE, BUT NOT LESS THAN 40 FEET
- REAR: 45° ANGLE OF BALK PLANE, BUT NOT LESS THAN 20 FEET
- MAXIMUM FLOOR AREA RATIO: 0.18 (FOR USES OTHER THAN RESIDENTIAL)
- OPEN SPACE: NO REQUIREMENTS

TABULATION

TOTAL SITE AREA: 8.19 ACRES
 AREA IN FAIRFAX COUNTY: 8.04 ACRES
 AREA IN LOUDOUN COUNTY: 0.15 ACRES
 PROPOSED BUILDING GROSS FLOOR AREA: = 33,737 SF
 FLOOR AREA RATIO: 0.408

* BUILDING CONTAINING AN ADDITIONAL CELLAR AREA OF 29,049 SF.

TYPE	NUMBER	AREA	TOTAL
IND. MEETINGS AND DAYCARE	440	305	845
IND. DAYCARE	0	1,250	1,250
TOTAL			2,095

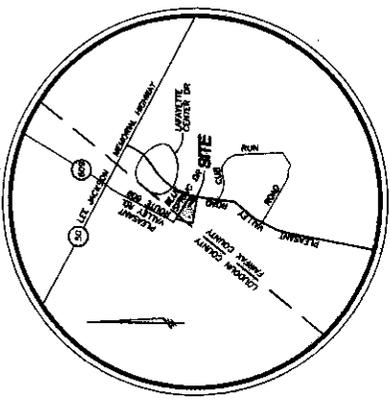
PARKING TABULATION

PARKING REQUIRED: 0.5 SPACES / 1,000 SF
 GROSS SQUARE FEET: 33,737 SF
 GROSS SQUARE FEET: 33,737 SF
 TOTAL PARKING SPACES REQUIRED: 168 SPACES
 TOTAL PARKING SPACES PROVIDED: 276 SPACES

APRIL, 2000
 REVISED JULY, 2000
 REVISED JANUARY 2001
 REVISED MARCH 2001

SHEET INDEX

1. COVER SHEET
2. SPECIAL PERMIT PLAT
3. TREE PRESERVATION PLAT



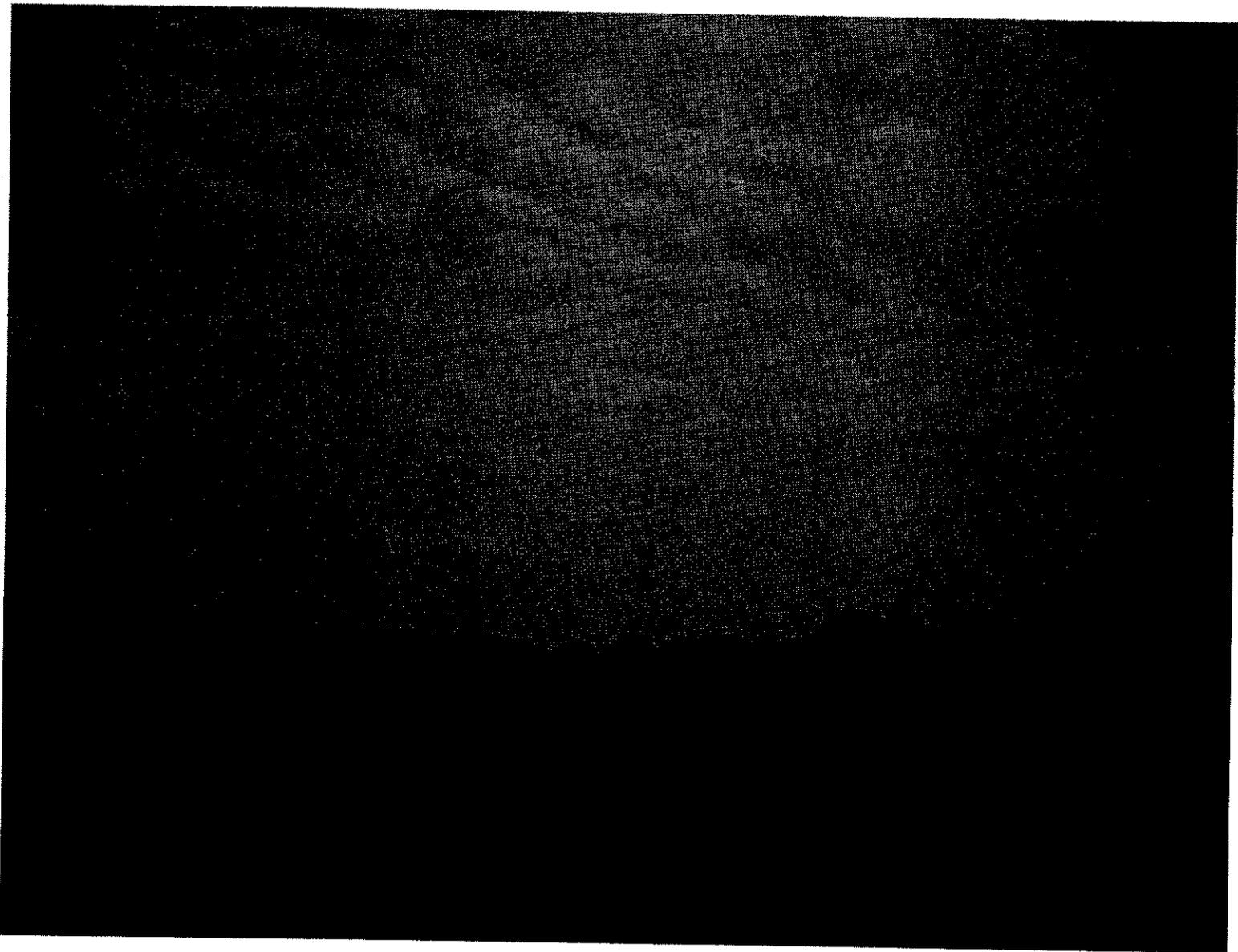
VICINITY MAP
SCALE: 1"=200'

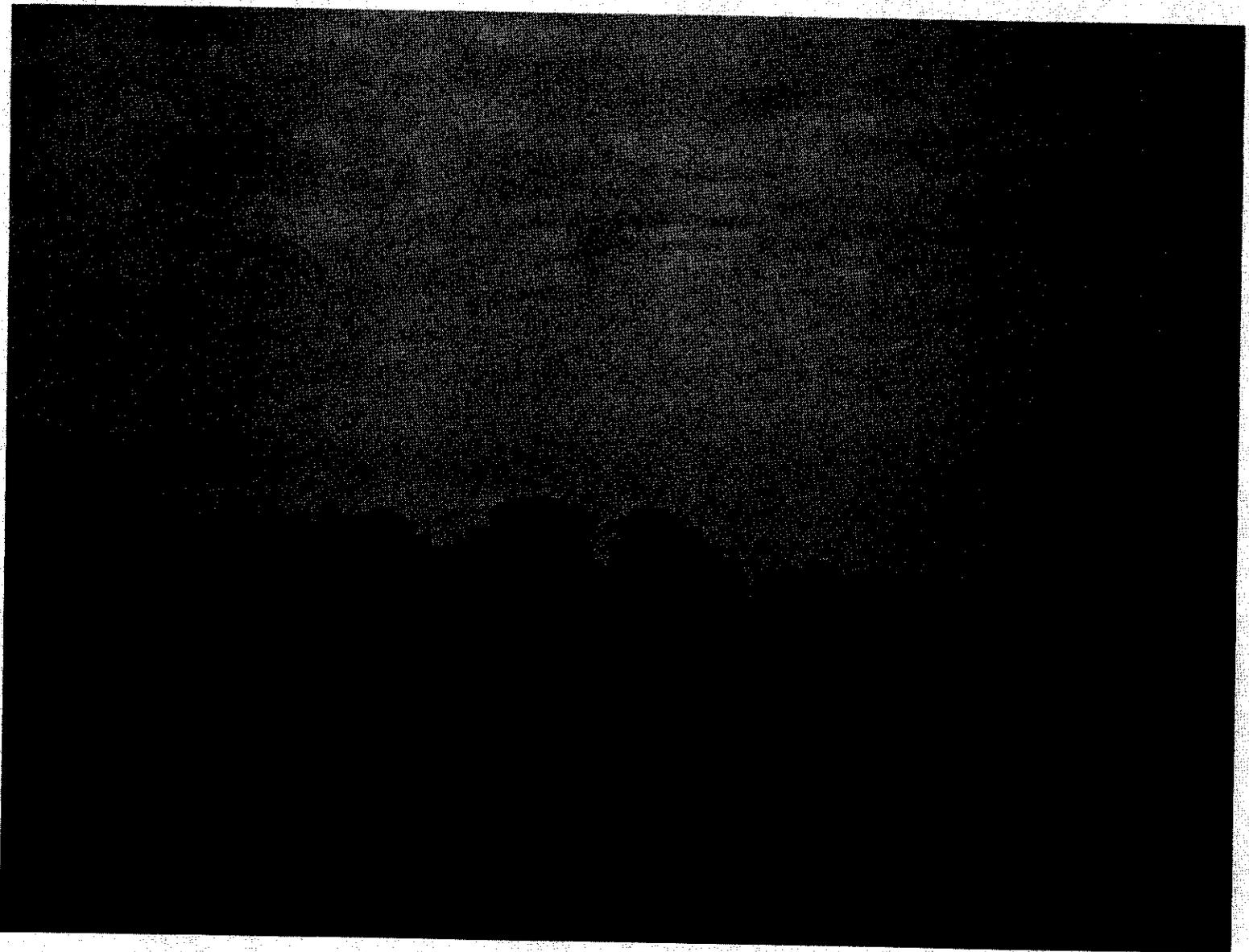
NOTES

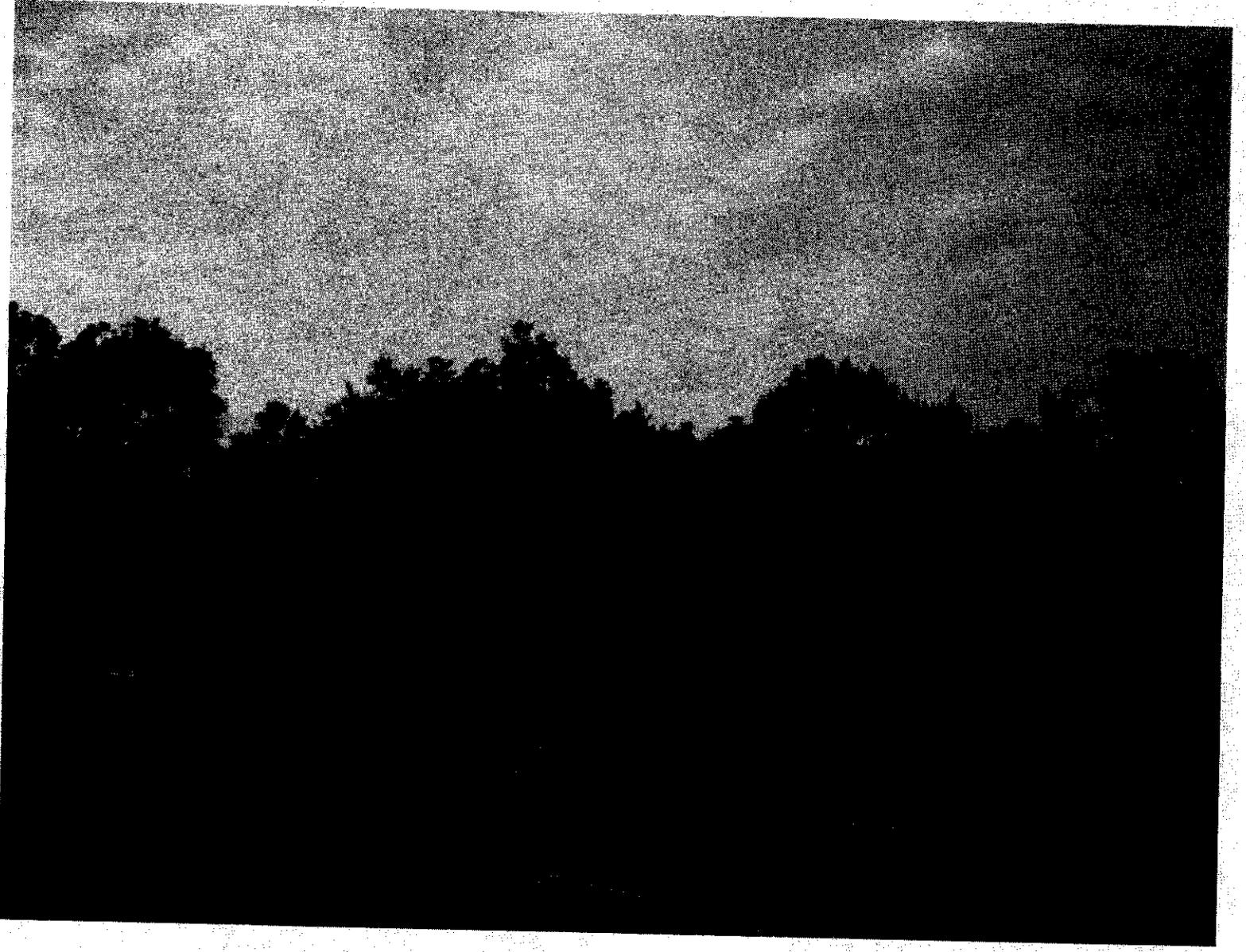
1. THE PROPERTY IS LOCATED ON FAIRFAX COUNTY ASSESSMENT MAP 33-2 (1) PARCEL 12A AND IS ZONED R-C, AND IS WITHIN THE WATER SUPPLY PROTECTION DISTRICT.
2. PROPOSED USE: CHURCH WITH A NURSERY SCHOOL WHICH HAS LESS THAN 100 STUDENTS DAILY.
3. OWNER: GRACE COVENANT CHURCH, INC. (SEE BOOK 10588, PAGE 304)
4. BOUNDARY INFORMATION IS BASED ON A BOUNDARY SURVEY PERFORMED BY THIS FIRM, DATED APRIL, 1999.
5. TOPOGRAPHIC INFORMATION IS BASED ON FIELD SURVEY INFORMATION PERFORMED BY THIS FIRM ON OCTOBER 13, 1998. CONTOUR INTERVAL IS 2 FEET; ELEVATION IS BASED ON NGVD 1988. BENCHMARKS AND COORDINATE VALUES SHOWN HEREON ARE BASED ON NAD 83.
6. 100 YEAR WATER SURFACE ELEVATION IS BASED ON "CHAMPS RUN FLOOD PLAIN STUDY", 9431-179-01-3.
7. SITE AREA NOT INCLUDED IN RPA IS DESIGNATED AS A RESOURCE MANAGEMENT AREA (RMA).
8. EDC DELINEATION SHOWN IS APPROXIMATE. LOCATION IS BASED ON FLOOD PLAIN BY OTHERS AND IS BASED ON COUNTY ZONING REQUIREMENTS.
9. NO TRAILS ARE REQUIRED BY THE COUNTY'S TRAILS PLAN.
10. NO GRASSES OR BURNAL SITES ARE KNOWN TO BE LOCATED ON THIS PROPERTY.
11. THIS PROPERTY IS TO BE SERVED BY PUBLIC WATER AND SANITARY SEWER SERVICE.
12. PLANTING WILL BE PROVIDED IN RESTORED AREAS AS REQUIRED.
13. THIS PLAN WAS PREPARED AFTER RECEIVING TITLE REPORT PROVIDED BY CHICAGO TITLE INSURANCE CO., DATED APRIL 22, 1999 (PARCEL-2107).
14. LOCATIONS OF BUILDINGS, SIGN FACILITY FOOTPRINTS, LIMITS OF CLEANING AND GRASSING, ETC ARE SUBJECT TO FINAL ENGINEERING CONSIDERATIONS AND SHALL BE SHOWN ON THE FINAL PLAT.
15. THE TRANSITIONAL SCREENING REQUIREMENT ON THE SOUTH & WESTERN BOUNDARIES OF THE PROPERTY, A MODIFICATION OF EXISTING HERBIVORE RESISTANT PLANTINGS, SHALL BE INSTALLED TO PREVENT THE REPRODUCTION OF EXISTING VEGETATION IN THESE AREAS.
16. THERE WILL BE NO HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 114.6, 114.6.1, AND 202. MANUFACTURED HOME PARKS SHALL BE CONSIDERED AS A TYPE OF RESIDENTIAL DEVELOPMENT. THE PROPOSED DEVELOPMENT SHALL BE CONSIDERED AS A TYPE OF RESIDENTIAL DEVELOPMENT. THE PROPOSED DEVELOPMENT SHALL BE CONSIDERED AS A TYPE OF RESIDENTIAL DEVELOPMENT. THE PROPOSED DEVELOPMENT SHALL BE CONSIDERED AS A TYPE OF RESIDENTIAL DEVELOPMENT.

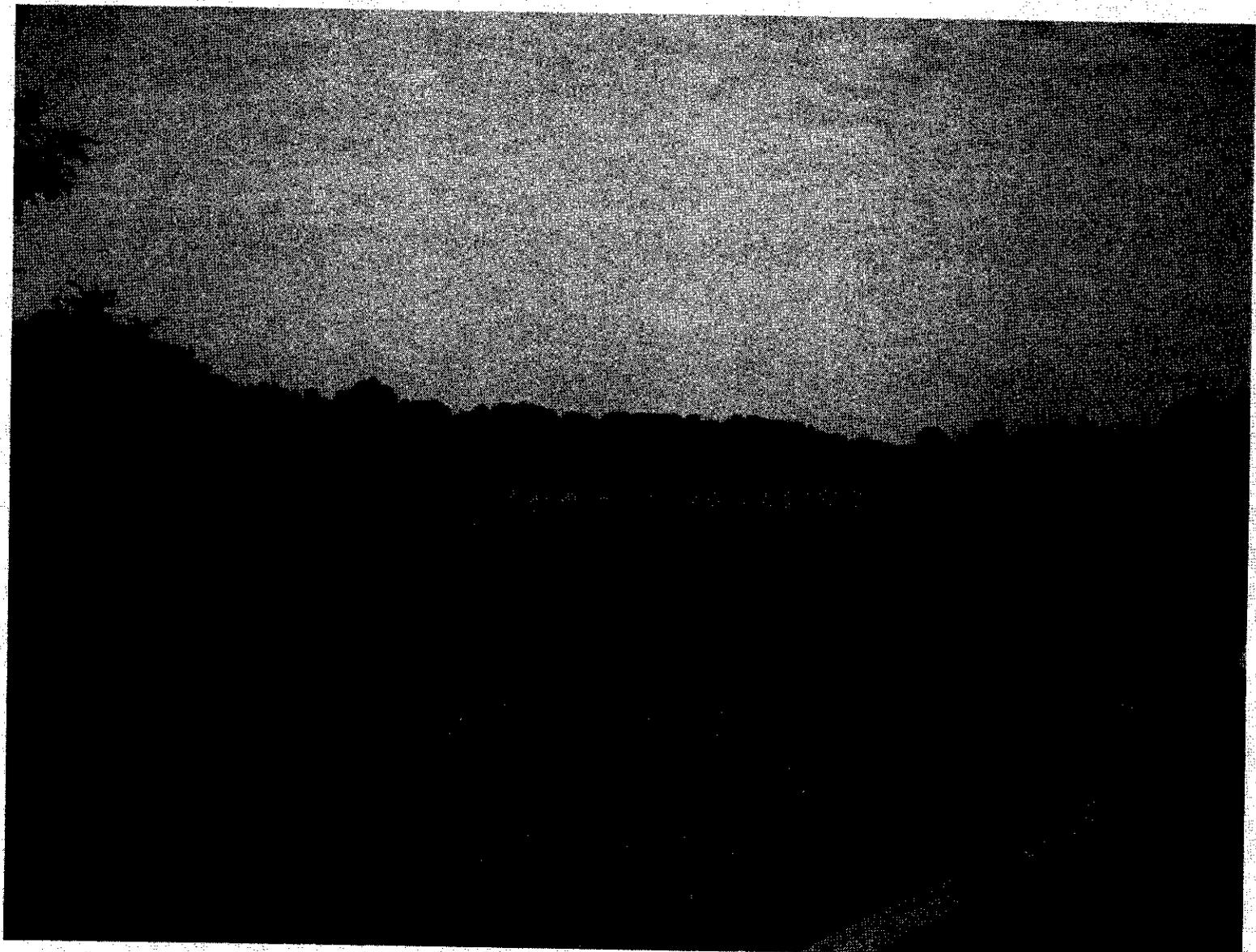


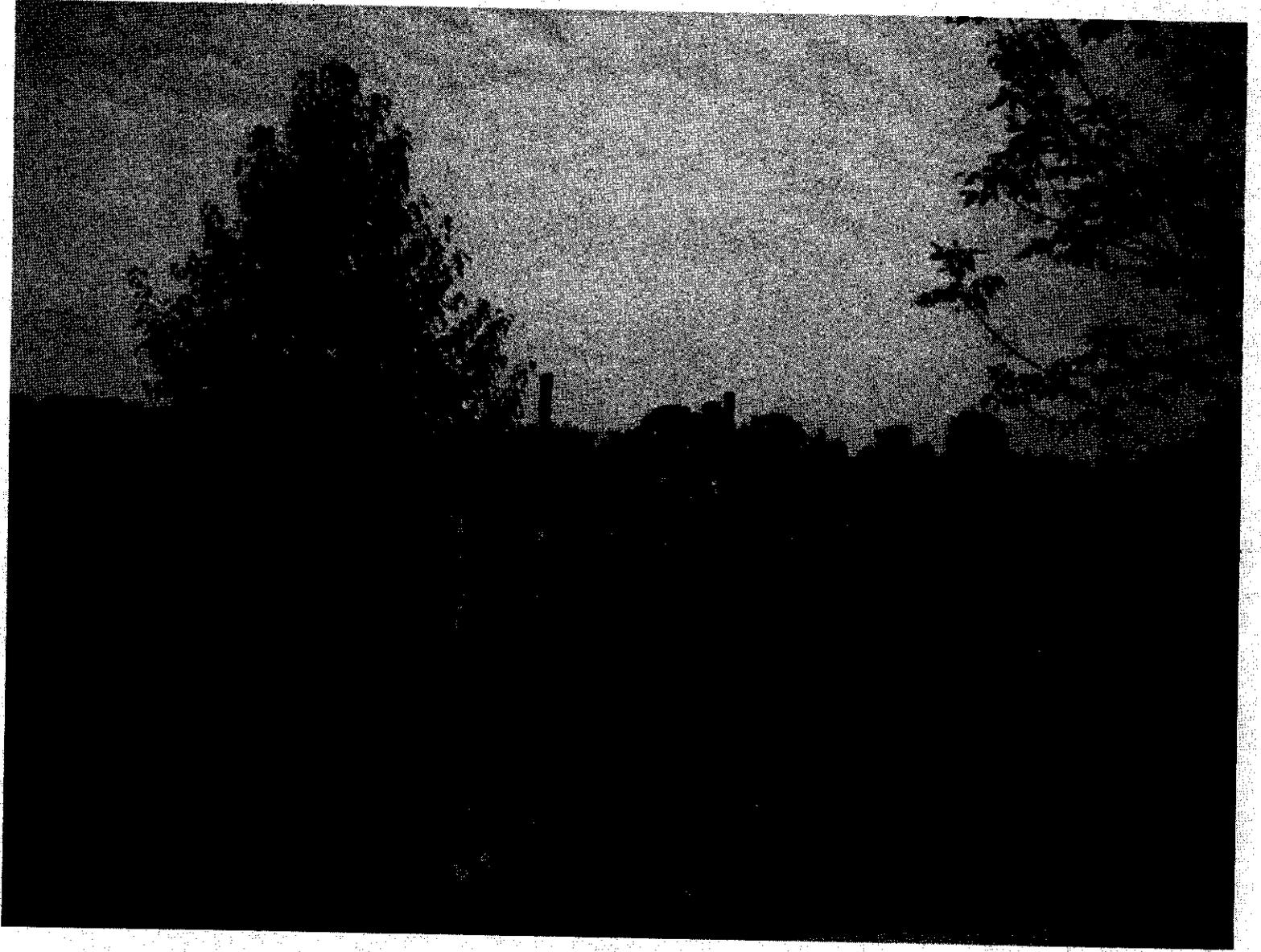
BURGESS & NIPLE
 4100 FLEMING VALLEY ROAD, CHARLTON, VA 22610-1120
 TEL: (540) 633-8833 FAX: (540) 633-8841
 SHEET 1 OF 3 C-4037

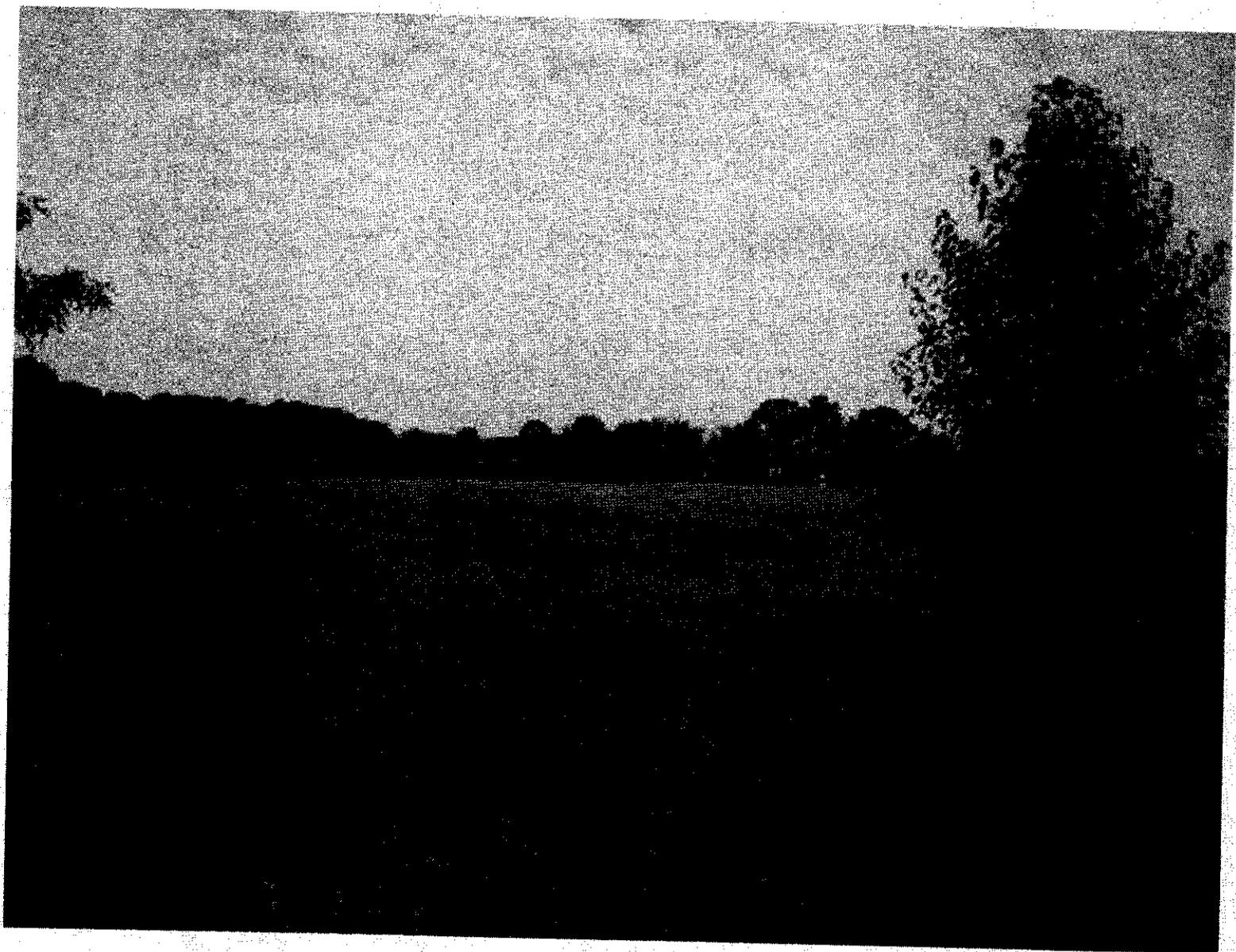












DESCRIPTION OF THE APPLICATION

Special Permit Amendment Request: To amend SPA 00-Y-050 previously approved for a church to permit a change in permittee.

This application proposes to change the permittee from Ekklesia USA to the new title owner, Chinmaya Mission Washington Regional Center. No other changes to the development conditions are proposed through this special permit amendment.

The property is still vacant land and no new construction or land disturbing activities are proposed with this application other than those approved under the original request.

Size of Property: 8.64 acres (Fairfax County)
0.55 acres (Loudoun County)

Number of Seats in Sanctuary: Phase I: 600
Phase II: 800

Waivers and Modifications Requested:

Modification of transitional screening and waiver of barrier requirements along the eastern and western lot lines are requested. These modifications and waivers were approved previously.

LOCATION AND CHARACTER

Existing Site Description:

The subject property is located on the southeast corner of the intersection of Pleasant Valley Road and Blue Spring Drive, south of Route 50. Currently, the subject property is still vacant.

Development on the property approved pursuant to SP 00-Y-050 consists of a church to be constructed in two phases. In Phase I, the main sanctuary, consisting of 15,358 square feet of gross floor area with 600 seats, would be constructed in the central portion of the site. A parking lot consisting of 276 spaces would be constructed in the western portion of the site. Access to the site would be from two points on Blue Spring Road.

Phase II construction would consist of a one story addition consisting of 18,739 square feet and a pavilion of 2,100 square feet. The number of seats in the main sanctuary would increase to 800. At the conclusion of Phase II, the church, including the pavilion would measure 33,737 square feet in size.

Surrounding Area Description:

<u>Direction</u>	<u>Use</u>	<u>Zoning</u>	<u>Plan</u>
North	Lafayette Business Park	I-3, W-S	Industrial
South	Church	R-C, W-S	Residential 0.1-0.2 du/ac
East	Single Family Detached Dwellings	R-C, W-S	Residential 0.1-0.2 du/ac
West	Single-family detached dwellings Loudoun County	R-C, W-S	Residential 0.1-0.2 du/ac

BACKGROUND

On August 12, 1997, the Board of Zoning Appeals approved Special Permit SP 97-Y-013 to permit a church and related facilities on the subject property. This application expired prior to being legally established.

On May 16, 2000, the Board of Zoning Appeals approved Special Permit SP 00-Y-050 to permit a church and related facilities on the subject property. The special permit was approved with a development condition specifying that the approval was granted to the applicant only, Grace Covenant Church, and that the approval was not transferable. On December 16, 2003, the Board of Zoning Appeals granted thirty (30) months of additional time to commence construction, creating an expiration date of May 16, 2006.

On April 13, 2005, Special Permit Amendment SPA 00-Y-050 was approved by the Board of Zoning Appeals for a change in permittee from Grace Covenant Church to Ekklesia USA. They too requested additional time of thirty (30) months which was granted by the Board of Zoning Appeals on April 1, 2008, for a new expiration date of April 13, 2010. The resolution for SPA 00-Y-050 can be found in Appendix 4.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Bull Run Planning District; Area III
Planning Sector: Upper Cub Run Community Planning Sector (BR2)
Plan Map: Residential, 0.1-0.2 dwelling units per acre (du/ac)

ANALYSIS

Special Permit Plat* (Copy at front of staff report)

Title of SP Plat: Special Permit Plat, Grace Covenant Church

Prepared By: Burgess and Niple

Dated: August 2000, revised through March 2001

*The submission requirements for the plat have been modified to accept the original plat due to the fact that there are no proposed physical changes to the site.

Proposed Use

The applicant proposes to change the permittee from the current owner, Ekklesia USA, to the contract purchaser, Chinmaya Mission Washington Regional Center. The only change proposed with this special permit application is to Development Condition 1 (a change in permittee). Development Condition 1 of SPA 00-Y-050 stipulates that the permit is granted to the applicant only. The current applicant requests that the permit run with the land rather than the applicant. There are no other changes to the previously approved special permit proposed.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 5)

- General Special Permit Standards (Sect. 8-006)
- Special Permit Uses (Sect. 3-C03)

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS

The only proposed change to the existing special permit is a change in permittee as referenced in approved Development Condition 1. The current applicant request that the permit run with the land rather than to an applicant. Staff has no objections either way; however the standard condition as requested by the Board of Zoning Appeals has been included in the Proposed Development Conditions in Appendix 1. If it is the intent of the Board to allow the permit to run with the land, staff would suggest that Condition 1 be amended to state; "This special permit is granted for and runs with the land indicated in this application, 4300 Block of Pleasant Valley Road (8.64 acres) and is not transferable to other land."

RECOMMENDATIONS

Staff has no objections to the approval of special permit amendment SPA 00-Y-050-2 as the only requested change to the previously approved special permit is to change the permittee.

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. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Approved Resolution with SPA 00-Y-050
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SPA 00-Y-050-2****December 1, 2009**

If it is the intent of the Board of Zoning Appeals to approve SPA 00-Y-050-2 located at Tax Map 33-2 ((1)) 12A to amend SPA 00-Y-050 previously approved for a church and related facilities to permit change in permittee pursuant to Section 3-C03 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 and have been underlined.

1. This approval is granted to the applicant only, Chinmaya Mission Washington Regional Center, and is not transferable without further action of this Board, and is for the location indicated on the application, 4300 Block of Pleasant Valley Road (8.64 acres) and is not transferable to other land.*
2. This special permit is granted only for the church and related facilities as indicated on the special permit plat prepared by Burgess & Niple, dated April 2000 as revised through March 2001, 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. The maximum number of seats in the church shall be 600 at completion of Phase I and 800 at the completion of Phase II.*
6. A maximum of two hundred and seventy-six (276) parking spaces shall be provided. All parking for the use shall be on site as shown on the special permit plat.*
7. The open space around the picnic pavilion shall be landscaped as shown on the special permit plat. At least fifty percent (50%) of this area shall be landscaped contemporaneously with the first phase of development; a minimum of fifty (50%) of the trees to be planted in this area during this phase shall be large deciduous trees. The remainder of this area shall be landscaped contemporaneously with the construction of the picnic pavilion or within five (5) years of the first site plan

approval, whichever occurs first. A management plan shall be developed and submitted with the site plan for this area that will provide for the long-term viability of the landscaping in this area while allowing for the use of the picnic pavilion and the passive use of the surrounding area. The management plan shall incorporate an approach that minimizes applications of fertilizers, pesticides, and herbicides and shall be subject to the review and approval of the Department of Public Works and Environmental Services (DPWES) in coordination with the Urban Forest Management Branch prior to site plan approval.*

8. The stormwater management pond shown on the special permit plat shall be designed as a best management practice facility in accordance with the Fairfax County Public Facilities Manual. Drainage from the impervious surfaces on the property shall be conveyed to this facility to the maximum extent practicable, as determined by the Department of Public Works and Environmental Services (DPWES). The applicant may design the facility as a wet BMP pond or as a dry BMP pond.
 - a. If the pond is developed as a dry BMP facility, the applicant shall plant trees and shrubs in the area SWM/BMP ponds, using the species that are shown on the special permit plat and such other species that are well-suited to soil, hydrologic, and microclimatic conditions of the area(s) being planted, subject to approval of DPWES in coordination with the Urban Forest Management Branch. If determined to be practicable by DPWES in coordination with the Urban Forest Management Branch, the density of plantings shall be greater than that shown on the special permit plat; additional plantings of trees at least two (2) inches in caliper or equivalent plantings of smaller trees and/or shrubs shall be provided to maximize plantings consistent with aforementioned DPWES policy.
 - b. If the pond is designed as a wet BMP facility, the applicant shall provide a shallow bench of emergent wetland vegetation around at least half the perimeter of the pond. This wetland bench shall be at least five feet in width, shall be located between zero (0) and twelve (12) inches below the normal pool surface elevation of the pond (the applicant shall have the discretion to determine precise depths within this range), and shall be planted with a minimum of four (4) emergent wetland plant species selected from Table 13 of the Metropolitan Washington Council of Governments (MWCOC) "Design of Stormwater Wetland Systems" (October, 1992) or other equivalent reference approved by DPWES. All species provided shall be native to the area and shall have a high value for wildlife as set forth in the MWCOC document or as otherwise determined by DPWES. A wetland construction and planting plan shall be shown on the first site plan and shall be subject to the approval of DPWES in coordination with the Urban Forest Management Branch.*
9. In order to minimize disturbance to existing tree cover in the EQC, no clearing or grading shall occur within the existing tree line of the EQC as shown on the special permit plat except to provide for the conveyance of drainage from the SWM facility, to provide a sanitary sewer line crossing of the EQC. No portion of the SWM pond structure or associated clearance area pursuant to Sect. 6-1605.3A of the Public

Facilities Manual (excepting measures for the conveyance of drainage from the pond) shall be located within the EQC. Any area of encroachment into the EQC for clearing and/or grading associated with the SWM pond shall be restored to a natural wooded condition to the maximum extent practical as determined by DPWES in coordination with the Urban Forest Management Branch. Notwithstanding the size and location of the proposed spillway area shown on the special permit plat, the conveyance of drainage from the SWM pond shall occur in a manner that will provide for adequate drainage while minimizing disturbance to the EQC, as determined by the Department of Public Works and Environmental Services (DPWES), with the goal that the extent of disturbance for the spillway shall be reduced from that shown on the special permit plat, if practical. The sanitary sewer line shall be located, designed, and constructed such that disturbance to the EQC will be minimized to the extent practical, as determined by DPWES.*

10. The EQC shown on the special permit plan shall remain as perpetually undisturbed open space. There shall be no clearing or grading of any vegetation within the EQC except for dead or dying trees and shrubs and clearing and/or grading associated with the SWM pond (as set forth in Condition 9), and clearing and/or grading associated with a sanitary sewer line crossing, (also set forth in Condition 9). There shall be no structures or fences located with the EQC.*
11. The tree preservation and restoration plan shown on the sheet 3 of the special permit plat shall be implemented as part of the construction of the church.*
12. All areas identified as "preservation areas or restoration areas" on sheet 3 of the special permit plat (the "tree preservation/restoration Plan") and any other area within the EQC that is not needed for the conveyance of drainage from the SWM pond or a sanitary sewer line pursuant to development condition #9 shall remain as perpetually undisturbed open space. After the installation of the vegetation shown on the tree preservation and restoration plan, maintenance of the perpetually undisturbed open space shall consist only of removal of undesirable vegetation such as brambles and vines with the intention of maintaining the planted tree cover until such time as natural secession takes over. There shall be no mowing of grasses in the perpetually undisturbed open space.*
13. Existing vegetation shall be preserved and maintained along the western lot line and shall be supplemented with landscaping to the extent possible. The applicant shall minimize grading work in the area near the western boundary to the extent practical in order to maximize the preservation of trees in this area, as determined by DPWES. A minimum width of 25 feet of transitional screening shall be maintained along the western lot line.

The existing vegetation within the EQC shall satisfy the transitional screening requirement along the southeastern and central portion of the eastern lot lines.

Full Transitional Screening I shall be provided as depicted on the approved special permit plat along the eastern lot line, outside of the EQC.

The barrier requirement shall be waived along all lot lines.*

14. Prior to site plan approval, the applicant shall record a conservation easement among the land records of Loudoun County to the benefit of Fairfax County to ensure that the portion of the property in Loudoun County will remain undisturbed in perpetuity, allowing for the landscaping efforts shown on the SP Plat or other planting and/or management efforts that may be determined to be appropriate by the Urban Forest Management Branch.*
15. At the applicant's option, the applicant shall construct half of a four lane divided facility along the site's Pleasant Valley Road frontage. If full frontage improvements are not provided, the applicant shall dedicate 56 feet from centerline to property line with ancillary easements.

The applicant shall dedicate 26 feet from centerline to property line along the site's Blue Spring Drive frontage.

At the intersection of Blue Spring Drive and Pleasant Valley Road, the applicant shall dedicate 35 feet from centerline to property line. The additional pavement at the intersection shall be striped for use as turn lanes, subject to VDOT approval.

All dedication shall be conveyed to the Board of Supervisors in fee simple and be dedicated upon demand by Fairfax County or VDOT or at the time of site plan approval, whichever occurs first.

Sidewalks and/or trails shall be provided along the site's frontage, to be determined at the time of site plan approval by DPWES.*

16. Approval of this special permit in no way obligates DPWES to determine that the proposed site entrances on Blue Spring Drive, are consistent with Chapter 118 of the Fairfax County Code (the Chesapeake Bay Preservation Ordinance), either as an allowed use pursuant to Article 2 of that Ordinance or as a use allowed by an exception pursuant to Article 6 of that Ordinance. Approval of the special permit in no way obligates DPWES to determine that the proposed entrances are consistent with the Ordinance or that an exception to allow for these entrances should necessarily be granted. If DPWES determines that the proposed entrances are not consistent with Chapter 118 and that an exception to allow for these entrances would not be appropriate, and that determination is upheld after all appeals that are pursued by the applicant are exhausted, a modification to the special permit plat pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance or an amendment to this special permit may be necessary.*

17. Any proposed lighting of the parking areas shall be in accordance with the following:
- The combined height of the light standards and fixture shall not exceed 12 feet.
 - The lights shall be of a design which focuses the light directly onto the subject property. Full cut-off lights shall be used.

- Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
 - The lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use.
 - There shall be no up-lighting of any of the proposed building additions.*
18. A sign permit shall be obtained and all signs on the property shall be provided in accordance with the requirements of Article 12, signs, of the Zoning Ordinance.*
19. In the event blasting is necessary, before any blasting occurs on the Property the Applicant shall: (i) ensure that the Fairfax County Fire Marshal has reviewed the blasting plans; (ii) follow all safety recommendations made by the Fire Marshal; and (iii) provide independent qualified inspectors approved by DPWES to inspect wells and dwellings location within 500 feet of the blasting site (the "Inspected Wells"). The inspector shall check the flow rate for each of the Inspected Wells before and after blasting and the foundation of dwellings. If allowed by County or State regulations, the Applicant shall [either (i)] repair any damage to the dwellings, or at its sole discretion, may replace the Inspected Well(s) determined by the inspector to have been damaged as a result of blasting on the Property, or the Applicant shall [(ii)] pay for hook-up of public water to serve any house whose well has been damaged by blasting on the Property.*

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 prosecuted. 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.

Application No.(s): SPA 00-Y-050-2
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 16, 2009
 (enter date affidavit is notarized)

I, Prakash G. Soman, Trustee, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below 105416 c

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD below)
Chinmaya Mission Washington Regional Center	6541 South Street Falls Church, VA 22042	Applicant/Contract Purchaser
Prakash G. Soman, Trustee	6541 South Street Falls Church, VA 22042	Applicant's Agent
Ekklesia USA, also known of record as Ekklesia USA, Inc.	8563 Lee Highway, Suite 210 Fairfax, Virginia 22031	Owner
John W. Farrell, Esq.	11350 Random Hills Road, Suite 500 Fairfax, Virginia 22030	Applicant's Authorized Agent
McCandlish & Lillard, P.C.	11350 Random Hills Road, Suite 500 Fairfax, Virginia 22030	Applicant's Authorized Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 16, 2009
(enter date affidavit is notarized)

105416c

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Chinmaya Mission Washington Regional Center
6541 South Street
Falls Church, VA 22042

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Non-Stock Corporation
No Shareholders

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SPA-00-Y-050-2
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

Special Permit/Variance Attachment to Par. 1(b)

DATE: November 16, 2009
(enter date affidavit is notarized)

105416c

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Ekklesia USA, also known of record as Ekklesia USA, Inc.
8563 Lee Highway, Suite 210
Fairfax, Virginia 22031

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Non-Stock Corporation
No Shareholders

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

McCandlish & Lillard, P.C.
11350 Random Hills Road, Suite 500
Fairfax, Virginia 22030

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): SPA-00-Y-050-2
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 16, 2009
(enter date affidavit is notarized)

105416c

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

None

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SPA-00-Y-050-2
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 16, 2009
(enter date affidavit is notarized)

105416c

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

None

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 16, 2009
(enter date affidavit is notarized)

105416c

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

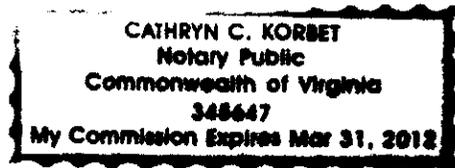
[Signature]
 Applicant Applicant's Authorized Agent

Prakash G. Soman, Trustee
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 16th day of November 2009, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

[Signature]
Notary Public

My commission expires: 3-31-2012



JUL 16 2009

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION

SPA 00-Y-050-2

Chinmaya Mission Washington Regional Center

Chinmaya Mission Washington Regional Center, as the contract purchaser of the property generally known as Fairfax County Tax Map 33-2 ((1)) 12A, hereby requests that the Board of Zoning Appeals amend the Special Permit, SP 00-Y-050-1, previously granted to Ekklesia USA to construct a church and other accessory facilities on the subject property, solely for the purpose of removing any reference to a specific permittee and allowing the Special Permit to run with the land.

The subject property, which the included photographs demonstrate is vacant, totals 9.19 acres of which 8.64 is located in Fairfax County and the remaining 0.55 acres is in Loudoun County. This application does **not** seek an authorize from the BZA for any additional construction beyond that already approved by Special Permit, SP 00-Y-050-1.

Since the BZA's approval of SP 00-Y-050-1 on April 5, 2005, Ekklesia has diligently pursued site plan approval for the house of worship authorized by that Special Permit: Fairfax County Site Plan #14432-SP-001. The record plat associated with that Site Plan which plat dedicated right of way and conveyed easements to the County has been approved by the Department of Public Works and Environmental Services and the County Attorney's office and recorded among the land records of the County in Deed Book 20151 at page 1588, *et seq.* The current status of Site Plan #14432-SP-001 is "approved ready for bonding."

No changes will be made from the previously approved application. The proposed hours of operation will be from approximately 9:30 a.m. to 10:00 p.m., Monday through Friday; 9:00 a.m. to 10:30 p.m. on Saturday; and 8:00 a.m. to 10:30

p.m. on Sunday. During seasonally limited occasions, special events may operate outside of the foregoing hours.

The church office will employ approximately 6 full time equivalent individuals and numerous individuals will be involved as volunteers in church activities. The church will incorporate not more than 800 seats for Sunday attendance on completion.

Approximately 400 children will use the religious schools on Sundays and evenings. The traffic impact of the proposed use will not adversely effect the current traffic on Pleasant Valley Road. This use will occur primarily on Sunday mornings when traffic is "off-peak" on Pleasant Valley Road. The membership in the church is drawn primarily from western Fairfax County and eastern Loudoun County, with individuals who are primarily residents of the Dulles Route 28 corridor, Chantilly, Centreville, Reston, Herndon and Sterling. The building facade and architecture of the new buildings has yet to be finalized but will be consistent with the surrounding community and will conform to the provisions of all applicable ordinances, regulations and adopted standards, but for any and all waivers, exceptions or variances granted to Ekklesia USA through approval of Special Permit SP 00-Y-050-1 and Site Plan #14432-SP-001. No hazardous or toxic substances are known to have been or are intended to be generated, utilized, stored, treated or disposed of on the site.

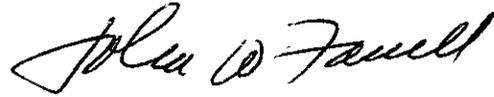
The applicant proposes that the previously approved development conditions be amended as follows:

1. This approval is for the location indicated on the application, 4300 Block of Pleasant Valley Road (8.64 acres) and is not transferable to other land.
2. No Change
3. No Change

4. No Change
5. No Change
6. No Change
7. No Change
- 8.- No Change
9. No Change
10. No Change
11. No Change
12. No Change
13. No Change
14. No Change
15. No Change
16. No Change
17. No Change
18. No Change
19. No Change

The approval of this request for a special permit amendment, which conforms in its entirety with that granted the Applicant's predecessor-in-interest, along with the Applicant's Proposed Development Conditions, will facilitate the creation of a convenient, attractive and harmonious community and will encourage the most appropriate use of land in the vicinity of the subject property.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John W. Farrell". The signature is written in a cursive, flowing style.

John W. Farrell
Attorney for Applicant
Dated: July 9, 2009

Page _____, April 5, 2005, Scheduled case of:

9:00 A.M. EKKLESIA USA, SPA 00-Y-050 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to amend SP 00-Y-050 previously approved for a church to permit a change in permittee. Located at the S.W. quadrant of the intersection of Pleasant Valley Rd. and Blue Spring Dr. on approx. 8.64 ac. of land zoned R-C and WS. Sully District. Tax Map 33-2 ((1)) 12A. (Decision deferred from 3/1/05)

Chairman DiGiulian noted that SPA 00-Y-050 had been deferred for decision only.

Bill Sherman, Staff Coordinator, said there was no additional information.

Ms. Gibb moved to approve SPA 00-Y-050 for the reasons stated in the Resolution. Mr. Ribble seconded the motion.

Mr. Beard said he could not support the motion. He said he thought it could be taken care of through the enforcement provisions granted to the County.

Ms. Gibb said that with the special permit cases, the development conditions were getting longer and longer.

Mr. Hart said he supported the motion. He said the question of whether special permits should run with the land was an issue for the Board of Supervisors. It was a question of the wording of the Ordinance. It was in the public interest to have citizens participate in the process of a public hearing.

//

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

EKKLESIA USA, SPA 00-Y-050 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to amend SP 00-Y-050 previously approved for a church to permit a change in permittee. Located at the S.W. quadrant of the intersection of Pleasant Valley Rd. and Blue Spring Dr. on approx. 8.64 ac. of land zoned R-C and WS. Sully District. Tax Map 33-2 ((1)) 12A. (Decision deferred from 3/1/05) 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 April 5, 2005; and

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

1. The applicants are the owners of the land.
2. The development conditions should remain as they are.
3. The special permit should run to the applicant.
4. Section 8-007 allows the Board to impose conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with provisions of the ordinance.

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 Sect(s). 3-C03 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, Ekklesia USA, and is not transferable without further action of this Board, and is for the location indicated on the application, 4300 Block of Pleasant Valley Road (8.64 acres) and is not transferable to other land.

2. This Special Permit is granted only for the church and related facilities as indicated on the special permit plat prepared by Burgess & Niple, dated April, 2000 as revised through March 2001, 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 the approved Special Permit plat and 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. The maximum number of seats in the church shall be 600 at completion of Phase I and 800 at the completion of Phase II.
6. A maximum of two hundred and seventy-six (276) parking spaces shall be provided. All parking for the use shall be on site as shown on the Special Permit Plat.
7. The open space around the picnic pavilion shall be landscaped as shown on the special permit plat. At least fifty percent (50%) of this area shall be landscaped contemporaneously with the first phase of development; a minimum of fifty (50%) of the trees to be planted in this area during this phase shall be large deciduous trees. The remainder of this area shall be landscaped contemporaneously with the construction of the picnic pavilion or within five (5) years of the first site plan approval, whichever occurs first. A management plan shall be developed and submitted with the site plan for this area that will provide for the long-term viability of the landscaping in this area while allowing for the use of the picnic pavilion and the passive use of the surrounding area. The management plan shall incorporate an approach that minimizes applications of fertilizers, pesticides, and herbicides and shall be subject to the review and approval of the Department of Public Works and Environmental Services (DPWES) in coordination with the Urban Forest Management Branch prior to site plan approval.
8. The stormwater management pond shown on the special permit plat shall be designed as a best management practice facility in accordance with the Fairfax County Public Facilities Manual. Drainage from the impervious surfaces on the property shall be conveyed to this facility to the maximum extent practicable, as determined by the Department of Public Works and Environmental Services (DPWES) of DPWES. The applicant may design this facility as a wet BMP pond or as a dry BMP pond.
 - a) If the pond is developed as a dry BMP facility, the applicant shall plant trees and shrubs in the area SWM/BMP ponds, using the species that are shown on the special permit plat and such other species that are well-suited to soil, hydrologic, and microclimatic conditions of the area(s) being planted, subject to approval of DPWES in coordination with the Urban Forest Management Branch. If determined to be practicable by DPWES in coordination with the Urban Forest Management Branch, the density of plantings shall be greater than that shown on the special permit plat; additional plantings of trees at least two (2) inches in caliper or equivalent plantings of smaller trees and/or shrubs shall be provided to maximize plantings consistent with aforementioned DPWES policy.
 - b) If the pond is designed as a wet BMP facility, the applicant shall provide a shallow bench of emergent wetland vegetation around at least half the perimeter of the pond. This wetland bench shall be at least five feet in width, shall be located between zero (0) and twelve (12) inches below the normal pool surface elevation of the pond (the applicant shall have the discretion to determine precise depths within this range), and shall be planted with a minimum of four (4) emergent wetland plant species selected from Table 13 of the Metropolitan Washington Council of Governments (MWCOC) "Design of Stormwater Wetland Systems" (October, 1992) or other equivalent reference approved by DPWES. All species provided shall be native to the area and shall have a high value for wildlife, as set forth in the MWCOC document or as otherwise determined by DPWES. A wetland construction and planting plan shall be shown on the first site plan and shall be subject to the approval of DPWES in coordination with the Urban Forest

Management Branch.

9. In order to minimize disturbance to existing tree cover in the EQC, no clearing or grading shall occur within the existing tree line of the EQC as shown on the special permit plat except to provide for the conveyance of drainage from the SWM facility, to provide a sanitary sewer line crossing of the EQC. No portion of the SWM pond structure or associated clearance area pursuant to Sect. 6-1605.3A of the Public Facilities Manual (excepting measures for the conveyance of drainage from the pond) shall be located within the EQC. Any area of encroachment into the EQC for clearing and/or grading associated with the SWM pond shall be restored to a natural wooded condition to the maximum extent practical as determined by DPWES in coordination with the Urban Forest Management Branch. Notwithstanding the size and location of the proposed spillway area shown on the special permit plat, the conveyance of drainage from the SWM pond shall occur in a manner that will provide for adequate drainage while minimizing disturbance to the EQC, as determined by the Department of Public Works and Environmental Services (DPWES), with the goal that the extent of disturbance for the spillway shall be reduced from that shown on the special permit plat, if practical. The sanitary sewer line shall be located, designed, and constructed such that disturbance to the EQC will be minimized to the extent practical, as determined by DPWES.
10. The EQC shown on the special permit plat and shall remain as perpetually undisturbed open space. There shall be no clearing or grading of any vegetation within the EQC except for dead or dying trees shrubs and clearing and/or grading associated with the SWM pond (as set forth in Condition 9), and clearing and/or grading associated with a sanitary sewer line crossing, (also set forth in Condition 9). There shall be no structures or fences located within the EQC.
11. The tree preservation and restoration plan shown on the sheet 3 of the Special Permit plat shall be implemented as part of the construction of the church.
12. All areas identified as "preservation areas or restoration areas" on sheet 3 of the Special Permit plat (the "tree preservation/restoration Plan") and any other area within the EQC that is not needed for the conveyance of drainage from the SWM pond or a sanitary sewer line pursuant to development condition #9 shall remain as perpetually undisturbed open space. After the installation of the vegetation shown on the tree preservation and restoration plan, maintenance of the perpetually undisturbed open space, shall consist only of removal of undesirable vegetation such as brambles and vines with the intention of maintaining the planted tree cover until such time as natural succession takes over. There shall be no mowing of grasses in the perpetually undisturbed open space.
13. Existing vegetation shall be preserved and maintained along the western lot line and shall be supplemented with landscaping to the extent possible. The applicant shall minimize grading work in the area near the western boundary to the extent practical in order to maximize the preservation of trees in this area, as determined by DPWES. A minimum width of 25 feet of transitional screening shall be maintained along the western lot line.

The existing vegetation within the EQC shall satisfy the transitional screening requirement along the southeastern and central portion of the eastern lot lines. Full Transitional Screening I shall be provided as depicted on the approved special permit plat along the eastern lot line, outside of the EQC.

The barrier requirement shall be waived along all lot lines.

14. Prior to site plan approval, the applicant shall record a conservation easement among the land records of Loudoun County to the benefit of Fairfax County to ensure that the portion of the property in Loudoun County will remain undisturbed in perpetuity, allowing for the landscaping efforts shown on the SP Plat or other planting and/or management efforts that may be determined to be appropriate by the Urban Forest Management Branch.
15. At the applicant's option, the applicant shall construct half of a four lane divided facility along the site's Pleasant Valley Road frontage. If full frontage improvements are not provided, the applicant shall dedicate 56 feet from centerline to property line with ancillary easements.

The applicant shall dedicate 26 feet from centerline to property along the site's Blue Spring Drive frontage.

At the intersection of Blue Spring Drive and Pleasant Valley Road, the applicant shall dedicate 35 feet from centerline to property line. The additional pavement at the intersection shall be striped for use as turn lanes, subject to VDOT approval.

All dedication shall be conveyed to the Board of Supervisors in fee simple and be dedicated upon demand by Fairfax County or VDOT or at the time of site plan approval, whichever occurs first.

Sidewalks and/or trails shall be provided along the site's frontage, to be determined at the time of site plan approval by DPWES.

16. Approval of this special permit in no way obligates DPWES to determine that the proposed site entrances on Blue Spring Drive, are consistent with Chapter 118 of the Fairfax County Code (the Chesapeake Bay Preservation Ordinance), either as an allowed use pursuant to Article 2 of that Ordinance or as a use allowed by an exception pursuant to Article 6 of that Ordinance. Approval of the special permit in no way obligates DPWES to determine that the proposed entrances are consistent with the Ordinance or that an exception to allow for these entrances should necessarily be granted. If DPWES determines that the proposed entrances are not consistent with Chapter 118 and that an exception to allow for these entrances would not be appropriate, and that determination is upheld after all appeals that are pursued by the applicant are exhausted, a modification to the Special Permit plat pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance or an amendment to this special permit may be necessary.
17. Any proposed lighting of the parking areas shall be in accordance with the following:
 - The combined height of the light standards and fixture shall not exceed 12 feet.
 - The lights shall be of a design which focuses the light directly onto the subject property. Full cut-off lights shall be used.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
 - The lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use.
 - There shall be no up-lighting of any of the proposed building additions.
18. A sign permit shall be obtained and all signs on the property shall be provided in accordance with the requirements of Article 12, Signs, of the Zoning Ordinance.
19. In the event blasting is necessary, before any blasting occurs on the Property the Applicant shall: (i) ensure that the Fairfax County Fire Marshal has reviewed the blasting plans; (ii) follow all safety recommendations made by the Fire Marshal; and (iii) provide independent qualified inspectors approved by DPWES to inspect wells and dwellings located within 500 feet of the blasting site (the "Inspected Wells"). The inspector shall check the flow rate for each of the Inspected Wells before and after blasting and the foundation of dwellings. If allowed by County or State regulations, the Applicant shall [either (i)] repair any damage to the dwellings, or at its sole discretion, may replace the Inspected Well(s) determined by the inspector to have been damaged as a result of blasting on the Property, or the Applicant shall [(ii)] pay for hook-up of public water to serve any house whose well has been damaged by blasting on the Property.

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. Establishment of Phase 1 shall establish the use as approved pursuant to this special permit. 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. Ribble seconded the motion, which carried by a vote of 5-1. Mr. Beard voted against the motion, and Mr. Hammack was not present for the vote.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on April 13, 2005. This date shall be deemed to be the final approval date of this special permit.

//

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

3-C03 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
 - A. Churches, chapels, temples, synagogues, and other such places of worship
 - B. Churches, chapels, temples, synagogues and other such places of worship with a nursery school or private school of general education

- C. Home child care facilities
- 2. Group 4 - Community Uses.
- 3. Group 6 - Outdoor Recreation Uses, limited to:
 - A. Camp or recreation grounds
 - B. Riding and boarding stables
 - C. Skeet and trapshooting ranges
 - D. Veterinary hospitals, but only ancillary to riding or boarding stables
- 4. Group 7 - Older Structures, limited to:
 - A. Restaurants
 - B. Summer theatres
- 5. Group 8 - Temporary Uses, limited to:
 - A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities
 - B. Construction material yards accessory to a construction project
 - C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project
 - D. Subdivision and apartment sales and rental offices
 - E. Temporary dwellings or mobile homes
 - F. Temporary farmers' markets
 - G. Temporary mobile and land based telecommunication testing facility
 - H. Temporary portable storage containers
- 6. Group 9 - Uses Requiring Special Regulation, limited to:
 - A. Home professional offices
 - B. Veterinary hospitals
 - C. Modification to minimum yard requirements
 - D. Accessory dwelling units