

## COUNTY OF FAIRFAX, VIRGINIA

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

CHINMAYA MISSION WASHINGTON REGIONAL CENTER, SPA 00-Y-050-02 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 in 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. Mr. Byers 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 December 8, 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-C and WS.
3. The area of the lot is 8.64 acres, Fairfax County; 0.55 acres, Loudoun County.
4. The staff has no objection to the approval of the special permit amendment.

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, 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 (MWCOG) "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 MWCOB 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.

Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Beard was absent from the meeting.