

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF RESTON PRESBYTERIAN CHURCH, SPA 82-D-047-02 Appl. under Sect(s). 3-E03 of the Zoning Ordinance to amend SP 82-D-047 previously approved for church and private school of general education to permit child care center, building additions and site modifications. Located at 10610 Sunset Hills Rd. on approx. 4.99 ac. Of land zoned R-E. Dranesville and Hunter Mill Districts. Tax Map 18-3 ((1)) 6. (Admin. moved from 3/18/08, 4/15/08, 5/13/08, 7/15/08, 9/16/08, 11/4/08, 12/16/08, 2/24/09, and 3/24/09 at appl. req.) (Continued from 4/21/09) Mr. Hammack 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 May 5, 2009; and

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

1. The applicant is the owner of the land.
2. Staff's response to the changes proposed by the applicant, for the most part, were reasonable, and we have a favorable staff report.
3. Staff's rationale as set forth in the staff report is adopted.
4. With the adoption of the development conditions, the issues regarding ingress and egress have been resolved satisfactorily.

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, Trustees of Reston Presbyterian Church and is not transferable without further action of this Board, and is for the location indicated on the application, 10610 Sunset Hills Road, and is not transferable to other land.
2. This special permit amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Charles F. Dunlap, Walter L. Phillips, Inc., dated November 15, 2007, as revised through May 4, 2009.
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. Upon issuance of a Non-RUP for Phase I construction, the seating capacity in the main area of worship may increase from 300 to a maximum of 450.
6. Upon issuance of new Non-RUPs, the maximum total daily enrollment for the private school of general education may increase from 50 children to 100 children ranging from kindergarten to eighth grade in Phase I, and 175 children in Phase II ranging from kindergarten to twelfth grade.
7. The maximum hours of operation for the private school of general education shall be 8:30 am to 3:30 pm, Monday through Friday.
8. The maximum total daily enrollment for the child care center shall be 100 children in Phase I, and 175 children in Phase II.
9. The maximum hours of operation for the child care center shall be 7:00 am to 8:30 am, and 3:30 pm to 6:00 pm, Monday through Friday.
10. Staff/teachers for the private school of general education and child care center combined, shall not exceed (12) school employees in Phase I; and 20 employees in Phase II.
11. No more than 25 students shall occupy the outdoor recreation area at any one time.
12. The operator of the private school of general education shall designate a carpool coordinator to administer and encourage participation in a carpool program designed to reduce the number of vehicle trips to and from the school during rush hour periods.
13. The design of the buildings shall be in substantial conformance with the architectural renderings included as Attachment 1 of these conditions irrespective of the notation "conceptual purposes only". The architectural treatment of the buildings shall consist of a pitched roof; split face and ground face concrete masonry; horizontal siding; synthetic stucco; clad and aluminum window systems; and asphalt shingles.
14. The building height shall not exceed forty-five feet (45') for the structure shown in Phase I, and shall not exceed thirty-five (35') for the structure shown in Phase II, per the definition in the Zoning Ordinance.
15. All parking shall be on-site, as depicted on the special permit amendment plat. The applicant shall obtain approval of a parking reduction through DPWES as required by Sect. 11-106.3 of the Zoning Ordinance, prior to issuance of a new Non-RUP for the church, school of general education and child care center to permit the shared use of the church parking lot for the church, school and child care center uses. If approval of a parking reduction is not obtained, the number of seats in the worship area and/or the number of children in the school of general education and child care center shall be reduced to meet the parking requirements as determined by DPWES.

16. The four temporary trailers depicted on the plat shall not be placed on the site prior to site plan approval and can remain on the site for a time period not to exceed three (3) years from the date of site plan approval. This time period may be extended for up to (3) years with prior approval of the Zoning Administrator, but in no case shall the trailers remain on site for more than 30 days upon the issuance of a Non-RUP for Phase I, whichever occurs first. The temporary trailers shall be placed on site in the least disruptive manner so as not to damage the trees that are shown to be preserved on the SPA Plat.
17. Prior to any land disturbing activities, a pre-construction conference shall be held on-site between DPWES, including the Urban Forester, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, tree protection measures, and the erosion and sedimentation control plan to be implemented during construction.
18. The applicant shall conform strictly to the limits of clearing and grading as shown on the SPA Plat, subject to allowances for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SPA Plat, they shall be located in the least disruptive manner necessary as determined by the Urban Forest Management Division (UFMD), DPWES. A replanting plan shall be developed and implemented, subject to approval by UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
19. The applicant shall install construction mats as approved by UFMD, DPWES along the limits of clearing and grading that is adjacent to the proposed tree save area to the north to minimize the impact of traffic by construction equipment and personnel within these areas.
20. The applicant shall submit a Tree Preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the UFMD, DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 8 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading as shown on the special permit amendment plat for the entire site. Irrespective of that shown on the SPA Plat, the tree preservation plan shall provide for the preservation of those areas shown for tree preservation (tree save), those areas outside of the limits of clearing and grading shown on the special permit amendment plat and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan. The applicant shall also submit concurrently a monetary value for each tree surveyed that is to be preserved. The monetary values shall be determined using the Trunk Formula Method contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, and shall be subject to review and approval by UFMD. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placements ratings.

The Site rating component shall be equal to at least 80%. The combined total of monetary values identified in the approved Tree Preservation Plan for trees designated to be preserved shall serve as a baseline sum in determining the amount of the Tree Bond.

21. A letter of credit, or a cash contribution equal to one half (50%) of the total monetary value of trees to be designated to be preserved as identified above shall be placed with the County. The Tree Bond letter of credit shall be prepared in a manner acceptable to the County Attorney naming the County as beneficiary to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan, and to ensure the undisturbed areas identified on the approved SPA Plat. The cash or Tree Bond shall be held by the County as a cash reserve that can be used by the County to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan and as approved on the site plan, and for work relating to the protection and management of undisturbed areas identified on the approved SPA Plat. If the applicant fails to complete any work identified in the approved site plan, then the County may use cash or money from the Tree Bond to accomplish the required work. If the County must use all or part of the cash or Tree Bond to accomplish the outstanding work, then the applicant will replenish the cash or Tree Bond to its full amount. If the applicant fails to replenish the cash or Tree Bond to its full amount, then the cash or Tree Bond may be used by the County to replenish the Tree Preservation Deposit to its full amount. The cash/Tree Bond may be used by the County as described in the Tree Preservation condition, above. Any cash or funds remaining in the Tree Bond shall be released along with the project's final bond-release, or sooner, if approved in writing by UFMD, DPWES.
22. The applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chainsaw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
23. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in

a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD, DPWES.

24. The applicant shall root prune and mulch, as needed to comply with the tree preservation requirements of these conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Immediately after the Phase II erosion and settlement (E&S) control activities are complete, mulch shall be applied at a depth of three (3) inches within designated areas without the use of motorized equipment.
- Mulch shall consist of wood chips, shredded hardwood and/or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

25. The applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation conditions, and UFMD, DPWES approvals. The applicant shall actively monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris and traffic by construction equipment and personnel do not occur within the designated tree save areas. During any clearing of tree/vegetation/structure removal on the applicant property, a representative of the applicant shall be present to monitor the process and ensure that the activities are conducted in conformance with these conditions and as approved by UFMD, DPWES. The applicant shall restore understory plant materials, leaf litter and soil conditions to the satisfaction of UFMD, DPWES if these are found to be damaged, removed or altered in any manner not allowed in writing by UFMD, DPWES. The monitoring schedule shall include, weather permitting, once weekly inspections during Phase I activities and once monthly inspections during Phase II activities. This schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD, DPWES.

26. A Landscape Plan, in substantial conformance with that shown on the SPA Plat shall be filed with the site plan for review and approval by UFMD, DPWES. The applicant shall add a note to the first and all subsequent site plans stating, "Final locations of all trees to be planted inside the tree save areas shall be determined in the field at the time of landscaping operations and coordinated with UFMD, DPWES, the project arborist and the landscape contractor".

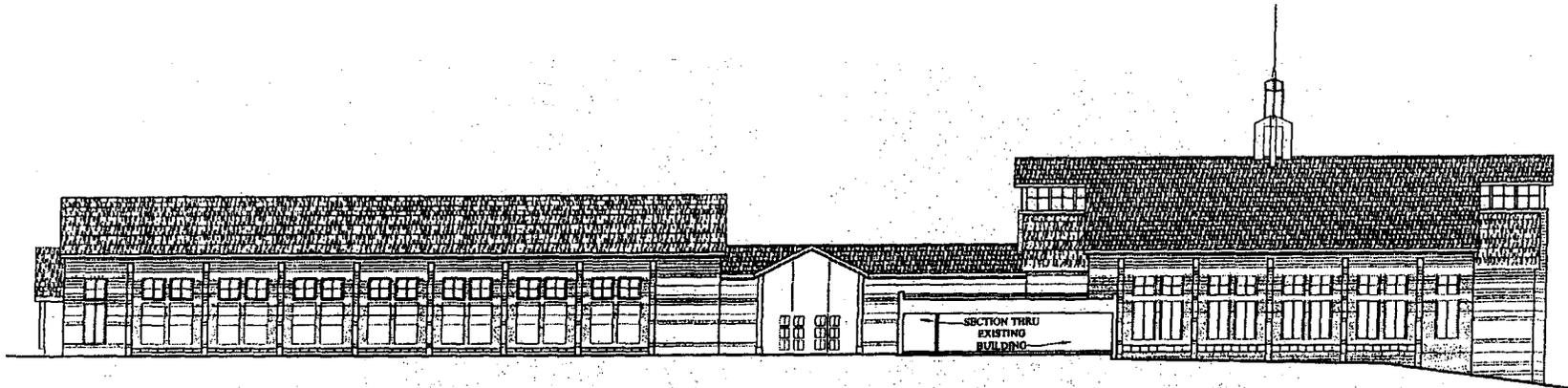
27. Notwithstanding that which is shown on the SPA Plat, the applicant shall meet the requirements of the Tree Conservation Ordinance pursuant to County Code, Chapter 122.
28. Transitional screening shall be modified along the western lot line to permit existing vegetation on site, but shall be supplemented as shown on the plat, with the following modifications:
- Additional plantings shall be provided along the northern lot line adjacent to the proposed sanctuary in Phase I to meet the intent of Transitional Screening 1;
 - Additional plantings shall be provided along the western lot line adjacent to the expanded parking lot in Phase II to meet the intent of Transitional Screening 1; and,
 - Landscaping shall include substantial ornamental and shade trees, shrubs, foundation and understory plantings to soften the appearance of the graded areas including the building and patio areas, and evergreen trees between the building and Sunset Hills Road.
- The size, species and location of plantings shall be provided in consultation with UFMD, DPWES.
29. The barrier requirement shall be waived along the western lot line.
30. Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance.
31. Any proposed new lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. All lighting shall be full cut-off luminaries and shall be controlled by timers (except for security lighting). Any new outdoor lighting fixtures shall not exceed 12 feet in height, measured from the ground to the highest point of the fixture. No new uplighting of landscaping, signage or architecture shall be provided.
32. The treatment of the abandoned septic field shall comply with requirements of the Fairfax County Health Department.
33. Adequate outfall shall be demonstrated in accordance with the Public Facilities Manual (PFM), as determined by DPWES, at the time of site plan review.
34. Stormwater Management (SWM) and Best Management Practices (BMP) measures may be provided via an extended detention facility and infiltration trenches as shown on the SPA Plat as determined by DPWES, which shall be privately maintained. If a modification of the PFM to permit the proposed SWM/BMP as shown on the SPA Plat is not granted by DPWES and SWM/BMP facilities in substantial conformance with the SPA Plat cannot be provided, then a special permit amendment (SPA) shall be filed to provide water quantity and quality control measures in accordance with the PFM as determined by DPWES.

35. Prior to issuance of the first Non-RUP, the applicant shall construct all road improvements to include an eastbound left turn lane, through transition lane and roadway shoulders and, if deemed necessary by VDOT, a retaining wall a maximum of three (3) feet in height, along Sunset Hills Road, in consultation with the Fairfax County Department of Transportation (FCDOT), and as approved by the Virginia Department of Transportation (VDOT). The conditioned improvements to Sunset Hills Road shall be open and operating, but not necessarily accepted into the VDOT system. However, upon demonstration by the applicant that, despite diligent efforts, the road improvements have been delayed due to the time necessary for VDOT engineering/construction related issues, the Zoning Administrator may agree to a later date for the completion of said improvements. If a retaining wall is required, a license agreement to permit the location and maintenance of the proposed retaining wall within the right-of-way shall be obtained.
36. Prior to the issuance of the first Non-RUP, the applicant shall install a sign at the Sunset Hills Entrance to prohibit left turns from the site onto Sunset Hills Road between the hours of 7:00 am to 9:00 pm, Monday through Friday, as approved by FCDOT.
37. Prior to site plan approval, adequate sight distance shall be provided from the entrance along Sunset Hills Road onto the application property as determined by VDOT.
38. The applicant shall obtain a sign permit for any proposed sign in accordance with the provisions of Article 12 of the Zoning Ordinance.

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.

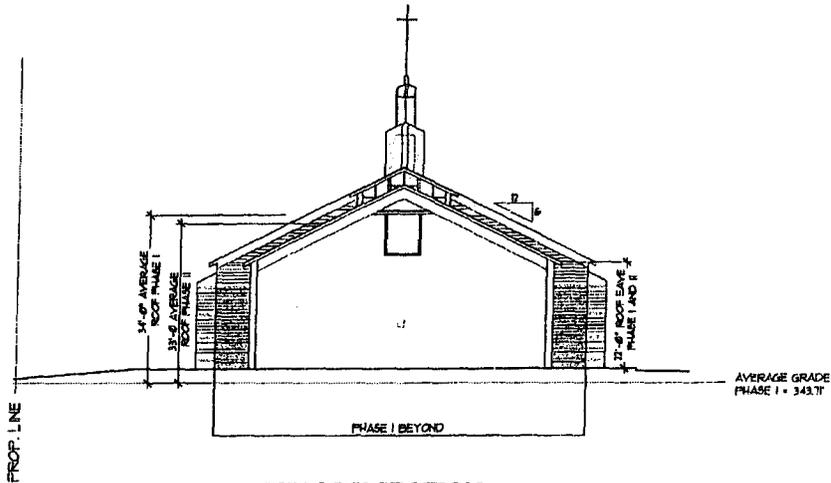
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. Establishment of Phase I shall establish the use as approved pursuant to this special permit amendment. 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.

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



SOUTH ELEVATION

For Illustrative Purposes Only.
Subject to Final Engineering and Design.

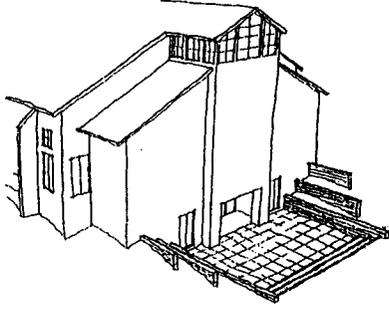


PHASE II SECTION
For Illustrative Purposes Only.
Subject to Final Engineering and Design.

RESTON PRESBYTERIAN CHURCH

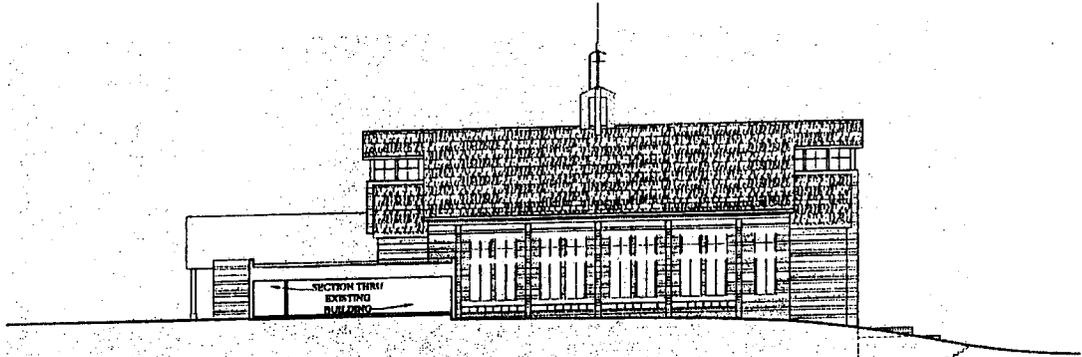
10 MARCH 2000

LEWIS
ERIKSON
WILLCOX
ARCHITECTS

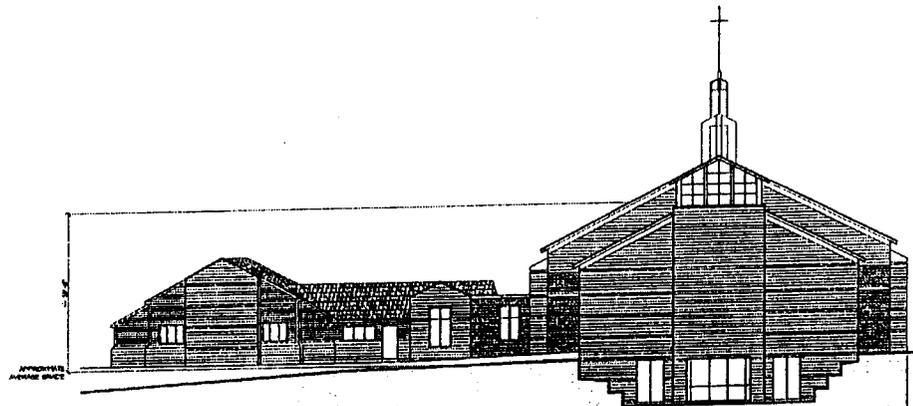


CHARACTER SKETCH: LOWER LEVEL RETAINING WALL AND PATH
MARCH 11, 2007 N.T.S.

LEMAY
ERICKSON
WILLCOX
ARCHITECTS



WEST ELEVATION



EAST ELEVATION

A site plan showing the layout of the building and surrounding landscape. It includes several trees of varying sizes and a fence line. The drawing is a simple line drawing.

PLAN (PARTIAL)

NOTE

1. ALL ELEVATIONS ARE CONCEPTUAL AND WILL BE SUBJECT TO CHANGE WITH FINAL ENGINEERING AND DESIGN.

CONCEPTUAL PURPOSES ONLY