

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF LORD OF LIFE LUTHERAN CHURCH, SPA 95-S-050 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to amend SP 95-S-050 previously approved for church to permit addition of nursery school . Located at 13421 Twin Lakes Dr. on approx. 3.76 ac. of land zoned R-C and WS. Springfield District. Tax Map 66-1 ((1)) 17 and 66-3 ((1)) 39A. (Admin. moved from 10/27/09 at appl. req.) (Deferred from 12/1/09 and 1/13/10 at appl. req.) 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 January 27, 2010; 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 W-S.
3. The area of the lot is 3.76 acres.
4. The only construction that is contemplated is the 2,499 square feet for the playground; other interior modifications only.
5. The applicant has done a good job with regard to traffic mitigation.
6. The hours are 9:00 a.m. to 2:00 p.m., with children under 5 being dismissed at 1:00 p.m.
7. The staff recommends approval.

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 Lord of Life Lutheran Church, and is not transferable without further action of this Board, and is for the location indicated on the application, 13421 Twin Lakes Drive, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit amendment plat prepared by Matthew K. Koirtyohann, P.E., Urban, Ltd., dated May 29, 2009 and approved with this application as qualified by these development conditions.
3. A copy of this Special Permit 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 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 amendment (SPA) 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 seating capacity in the main area of worship shall not exceed 300.
6. The total maximum daily enrollment of children in the nursery school shall not exceed 118.
7. The maximum number of employees on site at any one time for the nursery school shall be limited to 15.
8. Prior to the issuance of a Non-RUP for the nursery school, a play area as depicted on the SPA Plat shall be constructed.
9. The maximum hours of operation for the nursery school shall be limited to 9:00 a.m. – 2:00 p.m., Monday through Friday.
10. Parking shall be provided as depicted on the special permit amendment plat, and shall consist of a minimum of 94 parking spaces. All parking shall be on site.
11. To the maximum extent possible, twenty-five feet of existing vegetation shall be maintained and supplemented along the Twin Lakes Drive frontage of the site and shall satisfy Transitional Screening 1. To the maximum extent possible, existing vegetation shall be used in order to satisfy the transitional screening requirement (Transitional Screening 1) along the southern property line.

A landscape plan shall be submitted for approval to the Urban Forest Management Division (UFMD) at the time of site plan review detailing the size and type of plantings to be provided.

Interior parking lot landscaping shall be provided as shown on the special permit plat. Tree species with large canopy coverage should be provided in the parking lot in order to increase shade. UFMD may require substitutions of suitable plant materials instead of those shown on the plant list.

All vegetation shall be maintained in good condition and any dead or dying vegetation shall be replaced as determined by UFMD.

12. The barrier requirement shall be waived along all lot lines.
13. Erosion and sediment control measures shall be provided during all grading and construction activities. Design of the erosion and sediment control measures shall be substantially in accordance with the methods recommended by the Virginia Soil and Water Conservation Commission in the Virginia Erosion and Sediment Control Handbook and shall be coordinated with DPWES. These methods may include, but shall not be limited to, the

provision of either sediment detention facilities or redundant and/or oversized siltation fencing. If determined by DPWES, at the time of site plan review, that additional erosion and sedimentation control measures beyond Public Facilities Manual (PFM) standards are desirable, additional measures shall be provided to the satisfaction of DPWES.

14. Limits of clearing and grading shall be as shown on the special permit amendment plat and shall be subject to review and approval by UFMD. Best efforts shall be used to design the SWM/BMP facility so as to minimize its size and to preserve to the maximum extent possible tree save area along in addition to that shown by the limits of clearing and grading on the plat.
15. A tree preservation/tree replacement plan shall be reviewed and approved by UFMD prior to site plan approval which shows definitive limits of clearing and grading and emphasizes the preservation of existing mature trees. If it is determined by UFMD to be necessary to remove any trees previously designated to be preserved in order to relocate utility lines, trails, etc, that cannot be located elsewhere, then an area of additional tree save of equivalent value as determined by UFMD may be substituted at an alternate location on the site. If a suitable alternate location cannot be identified on the site by UFMD, then the applicant may elect to replace such trees according to the directions of UFMD, pursuant to the PFM.
16. A geotechnical engineering study shall be provided, if deemed necessary by DPWES and the recommendations of DPWES shall be implemented.
17. Stormwater Best Management Practices (BMPs) shall be provided as determined by DPWES at time of site plan approval in accordance with the provisions of the Water Supply Overlay District (WSPOD) of the Zoning Ordinance.

The applicant shall construct the proposed stormwater management pond during the initial land-disturbing phase to provide for runoff and sediment discharge.

18. Right-of-way to 26 feet from the centerline of Twin Lakes Drive shall be dedicated for public street purposes. The applicant shall provide all ancillary easements, including a sidewalk easement, which may be necessary to facilitate the future (re)construction of Twin Lakes Drive at the time of such (re)construction.
19. A right turn deceleration lane shall be provided on Twin Lakes Drive and shall be designed and constructed to a standard as deemed acceptable by DPWES and the Virginia Department of Transportation (VDOT).
20. Ancillary easements along Union Mill Road shall be provided in order to facilitate future road improvements at the time such improvements are undertaken.
21. Adequate sight distance shall be provided as determined by DPWES and VDOT.
22. Prior to issuance of a Non-RUP for the nursery school, the applicant shall restripe Union Mill Road within the existing pavement for the extension of the existing southbound left turn lane to a length as determined by VDOT.

23. The small triangular portion of the subject property located on the north side of Twin Lakes Road shall be used for open space only; however, it may be transferred to the Fairfax County Park Authority without amendment to this special permit.
24. Any proposed lighting of the parking areas shall be in accordance with the following:
 - The combined height of the light standards and fixtures shall not exceed twelve (12) feet.
 - The lights shall focus directly onto the subject property.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
25. All signs on the property shall be provided in accordance with the requirements of Article 12 of the Zoning Ordinance. Signs shall be located as to be integrated into the landscape and shall conform in size to Article 12 of the Zoning Ordinance.
26. The applicant shall implement any drainage control measures to prevent exacerbation of the existing drainage and siltation problems as required by DPWES.

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 the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

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