

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ST. MARK COPTIC ORTHODOX CHURCH OF WASHINGTON, D.C., SPA 89-S-013-02 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to amend SP 89-S-013 previously approved for church with child care center to permit increase in land area, the addition of a nursery school and private school of general education and site modifications including building additions. Located at 11821, 11829, 11901, 11911, 11919 Braddock Rd. on approx. 16.85 ac. of land zoned R-C and WS. Springfield District. Tax Map 67-1 ((4)) 27A, 31, 32, 33, 34 and 42. (Admin. moved from 8/11/09 at appl. req.) (Deferred from 10/6/09 at appl. req. 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 December 15, 2009; and

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

1. The applicant is the owner of the land.
2. The staff report and its addendum dated December 8th are adopted.
3. It is noted that as of September 29, 2009, staff recommended denial, and the applicant submitted an amended plan and worked with staff to address the two main concerns regarding water quality and open space and Virginia Department of Transportation (VDOT) requirements.
4. With respect to the water quality and not having quite 50 percent undisturbed open space, the applicant, by reducing its building size, was able to attain the 50 percent requirement, and by implementing some Low Impact Design (LID) techniques, satisfied staff that they could meet the requirements of General Standard 1 of the Zoning Ordinance under that section.
5. At the last meeting, there was no Transportation Impact Analysis (TIA) report, and the one that came in after the meeting, as the report said, found the impact to be generally acceptable.
6. Although there is still concern about access onto Braddock Road, with the development condition calling for the applicant to contribute funds toward a stoplight, a traffic signal, that matter seems to be resolved.
7. The applicant has worked a long time to get to this point; however, it is still recognized that this is a very intense use for the site and the Board is not looking to see any more intensity there.
8. The applicant is sort of squeaking by with what they have requested because there is a lot proposed, but the applicant has worked hard to meet the requirements of the Ordinance, and staff is convinced that they have.

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, St. Mark Coptic Orthodox Church of Washington, D.C. and is not transferable without further action of this Board, and is for the location indicated on the application, 11821, 11829, 11901, 11911 and 11919 Braddock Road, and is not transferable to other land.
2. This special permit amendment is granted only for the purposes, structures and/or uses indicated on the special permit plat prepared by Sharon D. Dusza, Rinker Design Associates, P.C., dated March 19, 2009, as revised through November 11, 2009.
3. A copy of this special permit amendment 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 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 600 seats.
6. Within 30 days of special permit approval, the applicant shall apply for a new Non-RUP for the child care center and nursery school and shall have a maximum combined total daily enrollment of 90 children in Phase I. Upon issuance of a Non-RUP for Phase II, the combined daily enrollment may increase to a maximum of 165 children.
7. The maximum hours of operation for the child care center and nursery school shall be 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. Within 30 days of approval of the special permit approval, the applicant shall apply for a new Non-RUP for the private school of general education ranging from pre-kindergarten to eighth grade and shall have a maximum daily enrollment of 56 children in Phase I. Upon issuance of a Non-RUP for Phase II, the number of children for the private school of general education may increase to a maximum of 110 children.
9. The maximum hours of operation for the private school of general education shall be 9:00 a.m. – 3:00 p.m., Monday through Friday. After-school activities shall be permitted until 10:00 p.m., Monday through Friday.
10. The maximum number of employees for the child care center, nursery school and private school of general education combined, shall not exceed (22) employees in Phase I; and 28 employees in Phase II.
11. A combined total of no more than 56 children shall occupy the tot lots outdoor recreation area at any one time; no more than 49 children shall occupy the soccer field outdoor recreation area at any one time.

12. The operator(s) of the child care center, nursery school and 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 site during rush hour periods. The applicant shall provide the name and contact information of the carpool coordinator to the Fairfax County Department of Transportation (FCDOT) annually, or as contact information changes.
13. The design of the buildings shall be in substantial conformance with the architectural renderings included as Attachment 1 of these conditions.
14. The building heights shall not exceed 29 feet for any the proposed structures shown on the Special Permit Amendment (SPA) Plat per the height definition in the Zoning Ordinance, except that domes and towers shall not exceed 54 feet in absolute height.
15. Parking shall be provided as depicted on the SPA Plat. All parking for these uses shall be on-site, except that on certain religious holidays, such as Christmas and Easter, off-site parking arrangements may be made at the Mott Community Center or other nearby public properties. Parking on Lots 31 and 32 shall be limited to uses specific to those structures only. No worship service parking should occur at either property until the property is redeveloped as parking during Phases II and III. Church related vehicles (vans/buses) shall be parked behind the existing and proposed Phase I building. No vehicle repair shall be permitted on-site.
16. Upon the issuance of a Non-RUP for Phase I, all temporary trailers on the site shall be removed.
17. Upon special permit approval, the former Mt. Zoar Church building on Lot 33 and the single family dwelling structures located on Lots 31 and 32 shall be used only for offices, storage and/or ministry/counseling space and ministries such as prayer services and baptisms. There shall be no worship services held within these structures and these structures shall not be rented or occupied for uses unrelated to the church activities outlined above. These structures shall be maintained in good repair or removed from the site.
18. 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.
19. The applicant shall conform strictly to the limits of clearing and grading subject to allowances for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. Irrespective of that shown on the SP Plat, the large gravel parking area and a driveway shown on Lot 31 shall be included within the limits of clearing and grading. For each phase of development, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements planned for that phase shall be submitted to DPWES, including the Urban Forest Management Division (UFMD), for review and approval. The extent of clearing and grading for each phase of construction shall be the minimum

amount feasible as determined by DPWES. Further, prior to the issuance of the first Non-RUP, areas disturbed with clearing and grading for Phase I shall be stabilized with a ground cover to consist of grasses and/or a naturalized wildflower/meadow mix which shall be maintained until such time as subsequent phased construction is initiated. 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 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.

20. The applicant shall submit a Tree Preservation and Reforestation Plan as part of the first and all subsequent site plan submissions or grading plan submissions, whichever occurs first. These plans shall designate the limits of clearing as determined in the previous development condition and require that the area outside of the limits of clearing and grading be preserved and labeled as "perpetually undisturbed open space." The reforestation plan shall be developed with the intent of re-vegetating and restoring the perpetually undisturbed open space to its natural habitat. No existing wooded areas may be disturbed to plant the restoration material. The applicant may maintain the undisturbed open space as needed to remove only undesirable vegetation such as brambles and vines with the intention of maintaining the evergreen tree cover until such time as natural succession takes over. There shall be no mowing of grass in the perpetually undisturbed open space. These plans shall be prepared by a professional with experience in the preparation of tree preservation and reforestation 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 and reforestation 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 (measured at 4 ½ feet from the base of the trunk or otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture), located within 25 feet to either side of the approved limits of clearing and grading for the entire site and shall be submitted for review by UFMD.
21. The reforestation plan shall contain species based on existing tree and shrub species in areas adjacent to the reforestation area and post-development site conditions to restore the area to the native forest cover type. The plan shall include, but not be limited to, the following:
 - Plant list detailing species, sizes, quantities and stock type of trees and other vegetation to be planted
 - Soil treatments and amendments if necessary
 - Mulching specifications
 - Methods of installation
 - Maintenance
 - Mortality threshold
 - Monitoring
 - Replacement schedule
22. 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. Tree protection fencing shall be erected along

the limits of clearing and grading wherever construction activities are proposed adjacent to areas to remain undisturbed. Super silt fence may be approved by UFMD 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. 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.

23. The applicant shall meet the requirements of the Tree Conservation Ordinance pursuant to County Code, Chapter 122.
24. Transitional screening shall be modified along all lot lines to permit existing vegetation on site to meet transitional screening requirements. Notwithstanding proposed landscaping shown on the approved Special Permit Plat, supplemental planting shall be provided as follows:
 - Additional plantings shall be provided along the northern lot line adjacent to the Braddock Road frontage in Phase I to meet the intent of Transitional Screening 1.
 - Landscaping shall include substantial ornamental and shade trees, shrubs, foundation and understory plantings to soften the appearance of the parking areas and buildings from the street.
 - The size, species and location of plantings shall be provided in consultation with Urban Forest Management Division (UFMD) and DPWES.
25. The barrier requirement shall be waived along all lot lines.
26. Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance.
27. 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, shall be controlled by timers and shall be cut off when the site is not in use, except for security lighting. Any new outdoor lighting fixtures, except those attached to the building, shall be Bollard-style lighting fixtures at a maximum height of four feet, measured from the ground to the highest point of the fixture. Lighting shall not be installed in landscape islands. No new uplighting of landscaping, signage or architecture shall be provided.
28. A minimum of 50 percent of the site shall be preserved as undisturbed open space as depicted on the SP Plat upon issuance of a Non-RUP for Phase II improvements.

29. The applicant shall implement the following Low Impact Design (LID) technique in each phase of building construction: provide one or more underground and/or attic cistern(s) with a total storage capacity of no less than 3,000 gallons in each phase to collect rainwater run-off from new building rooftop(s). Collected rainwater shall be stored and utilized for on-site irrigation purposes as designed by a qualified water resource engineer and approved by DPWES.
30. Adequate outfall shall be demonstrated in accordance with the Public Facilities Manual (PFM), as determined by DPWES, at the time of site plan review.
31. 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 stormwater management/best management practices 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.
32. Public sewer flows generated by the uses allowed by this approval shall not exceed an average of 1,800 gpd, as determined by the Wastewater Planning and Monitoring Division, DPWES. This shall be accomplished through the use of water reduction measures such as low-flow fixtures, waterless urinals and sensor-based faucet controls. The occupancy of the expanded church facilities shall be accomplished in three phases. Phase I shall consist of no more than an additional 300 sanctuary seats, 40 additional children in the child care center/nursery school, 56 students in the private school of general education, and 12 additional employees. The applicant shall submit its quarterly Fairfax Water invoices and a record of the level of occupancy of the place of worship and related facilities to the Director of the Wastewater Planning and Monitoring Division to evidence continued compliance with this condition for the first two years of expanded occupancy in each phase of development, including the development of the proposed Fellowship Hall in Phase III. The applicant is prohibited from increasing occupancy in subsequent phases of development until such time that DPWES deems any excess of the Maximum Allowed Capacity as "unused capacity" that permits such an expansion while maintaining the integrity of the sewer system infrastructure.
33. Prior to issuance of the first Non-RUP for Phase I improvements, the applicant shall construct all road improvements to include a median break along the site's Braddock Road frontage, an eastbound left-turn lane and a right-turn lane, in consultation with FCDOT, and as approved by the Virginia Department of Transportation (VDOT). Site access shall be provided via two curb cuts on Braddock Road; the existing right-in/right-out access on Lot 34 which shall be constructed as a right-in only entrance and the proposed full-access entrance at the median break. All other curb cuts shall be removed as determined by VDOT.
34. Prior to the issuance of a Non-RUP for Phase II development, the applicant shall contribute \$45,000 towards the cost of a traffic signal at the intersection of either First or Second Roads and Braddock Road as determined by FCDOT. Prior to the issuance of a Non-RUP for Phase III development, the applicant shall contribute an additional \$45,000 for the cost of a signal at the intersection of either First or Second Roads and Braddock Road. In the event that a signal is not warranted at either location within five years after completion of the site's final phase of

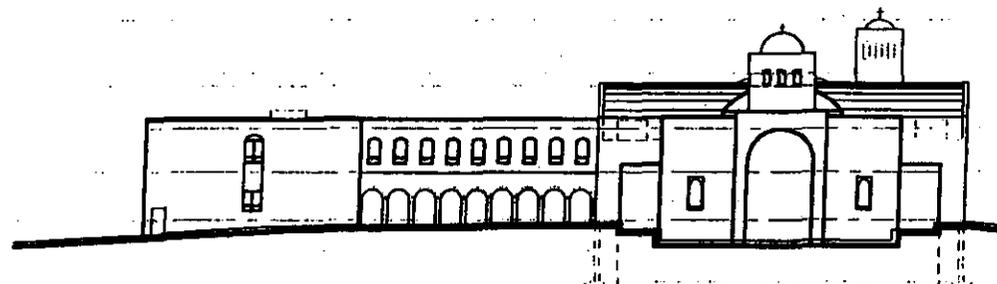
development, the escrowed funds shall be returned to the applicant. However, in the event that a traffic signal has already been installed at either of these locations prior to the applicant reaching the above thresholds, a total of \$90,000 in funds shall be provided to the County to reimburse it for the signal costs at the interval payment schedule designated above.

35. Upon request from Fairfax County Department of Transportation, interparcel access easements shall be provided along the western property line adjacent to the parcel to the west Tax Map 67-1 ((4)) 41 in a form approved by the County Attorney for the purpose of securing access to Braddock Road via Second Road. The ultimate location of said interparcel access shall be determined by Fairfax County Department of Transportation and is to be located within 450 feet of Braddock Road. Once access becomes available to Lot 41, the connection shall be made to this access by the applicant.
36. The applicant shall obtain a sign permit for any proposed sign in accordance with the provisions of Article 12 of the Zoning Ordinance.
37. The use of loudspeakers shall not be permitted outside the building.

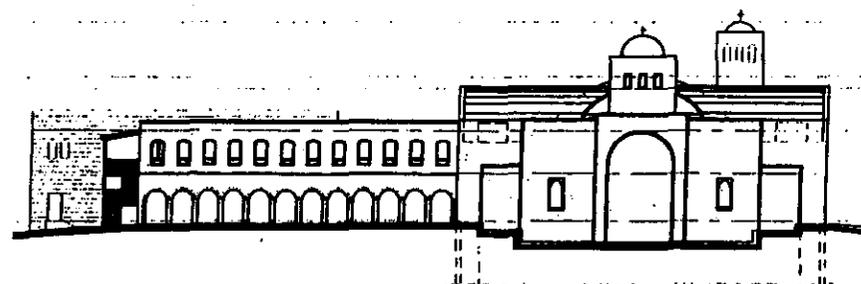
These conditions incorporate and supersede all previous conditions. This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining 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.

Mr. Smith seconded the motion, which carried by a vote of 5-1. Mr. Byers voted against the motion. Chairman Ribble was not present or the vote.



⑤ EAST ELEVATION : PHASE 2



④ EAST ELEVATION : PHASE 1

PH 1
 PH 2
 PH 3

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PROJECT TITLE:
SAINT MARK'S COPTIC ORTHODOX CHURCH
 BRADDOCK ROAD
 FAIRFAX, VIRGINIA

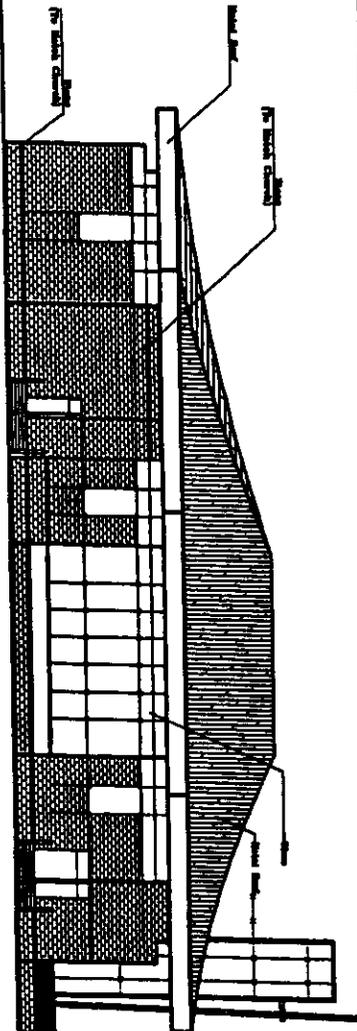
SHEET TITLE:
EXTERIOR ELEVATIONS

REVISIONS		
NO	DATE	DESCRIPTION

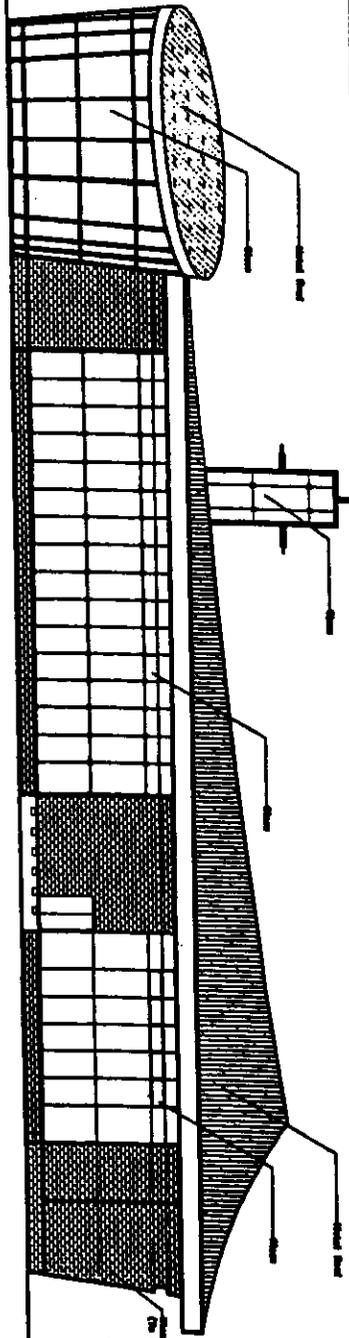
ISSUED
 DATE: 03 AUG 09
 SCALE: AS NOTED
 DRAWN BY: —
 PROJECT NO: —

SHEET NO.

EAST ELEVATION
SCALE 1" = 20'



SOUTH ELEVATION
SCALE 1" = 20'



SAINT MARK'S
COPTIC ORTHODOX CHURCH
FAIRFAX, VIRGINIA

PHASE 3
FELLOWSHIP HALL
August 3, 2009

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SHT. NO.
C1