

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

CHABAD LUBAVITCH OF NORTHERN VIRGINIA, INC., SPA 95-P-066 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 95-P-066 previously approved for synagogue with private school of general education to permit child care center and nursery school and change in permittee. Located at 9124 Little River Tnpk. on approx. 4.77 ac. of land zoned R-1. Providence District. Tax Map 58-4 ((1)) 50. 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 August 11, 2010; and

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

1. The applicant is the owner of the property.
2. There is a favorable staff recommendation, and the Board adopts their rationale generally.
3. The school has been there for a number of years.
4. It was very controversial initially.
5. The impact has been minimal on the neighborhood.
6. No traffic issues have arisen from the school.
7. It provides a good service for the community.
8. Any traffic flow problems could be eased somewhat if the Board requires directional signage to be painted on the lot surface.

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, Chabad Lubavitch of Northern Virginia, Inc., and is not transferable without further action of this Board, and is for the location indicated on the application, 9124 Little River Turnpike (4.77 acres), and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses indicated on the special permit plat prepared by Tri-Tek Engineering dated July 2, 2010, and approved with this application, as qualified by 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. Other by-right, special permit uses may be permitted on the lot without a special permit amendment, if such uses do not affect this special permit use.

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 conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. Upon issuance of a new Non-RUP for the private school of general education and summer camp, the maximum daily enrollment shall not exceed a total of thirty-nine (39) students. The private school of general education may include grades kindergarten through eighth grade. The operation of the private school of general education and the summer camp shall not overlap. There shall be a maximum of eight (8) teachers and three (3) staff associated with such uses.
6. Upon issuance of a Non-RUP for the child care center/nursery school, the maximum daily enrollment shall be limited to sixty (60) children.
7. The maximum hours of operation for the private school of general education, summer camp, and child care center/nursery school shall be from 8:30 a.m. to 3:30 p.m., Monday through Friday. Use of the facility for aftercare shall be limited to the summer camp and may extend until 4:30 p.m. Weekend and evening use of the facilities for extracurricular activities shall be permitted on a limited basis provided there is no adverse impact on the surrounding community.
8. The number of students using the outdoor recreation area at any one time shall not exceed the square foot requirements for the recreation areas stipulated by Zoning Ordinance, Sect. 8-307, which requires 200 square feet per child in grades kindergarten through 3 and 430 square feet per student in grades 4 through 12.
9. Indoor recreation space shall be provided in accordance with the provisions of Chapter 30 of the Code. 9.
10. The maximum number of seats in the main area of worship for the synagogue shall be 125. There may be one (1) employee or rabbi associated with the use of the synagogue. Except for the use of an office by the rabbi, the use of the facility as a synagogue shall not overlap or conflict with the use of the property as a private school of general education, summer camp or child care center / nursery school including the parking requirements of the school.
11. All parking for the uses shall be on-site as shown on the special permit 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 the issuance of a Non-Residential Use Permit (Non-RUP) for the private school of general education and child care center/nursery school uses to permit the shared uses of the parking lot for all uses on site. 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 private school of general education, or child care center/ nursery school shall be reduced to meet the parking requirements as determined by DPWES.

12. All access to the subject property shall be from Prince William Drive. The entrance shall be designated "Entrance Only" and the exit shall be designated "Exit Only" and appropriate signage shall be installed accordingly. The entrance and exit shall be provided in accordance with the Virginia Department of Transportation (VDOT) standards. The existing curb cut located on Skyview Lane shall remain closed. Traffic directional signage indicating ingress and egress shall be painted in the parking lot to assist traffic flow.
13. Transitional Screening and Barriers shall be modified and shall be provided as follows:
 - Northern lot line: the existing vegetation as shown on the special permit plat shall be maintained and shall satisfy the transitional screening requirement. A row of evergreen trees shall be provided as shown on the special permit plat in order to supplement the existing vegetation. A six-foot high board-on-board fence shall be provided and maintained along the edge of the transitional screening yard adjacent to Lot 38 as depicted on the special permit plat.
 - Eastern lot line: a six foot high chain link fence shall be provided and maintained along the eastern property line as shown on the special permit plat. A row of evergreen trees shall be provided and maintained between the chain link fence and the lot line.
 - Western lot line adjacent to Prince William Drive: the existing vegetation as shown on the special permit plat shall be maintained and shall satisfy the transitional screening requirement. The barrier requirement shall be waived.
 - Southern lot line: the existing vegetation shall be maintained and supplemental evergreen plantings shall be provided and maintained which will screen the parking, pool and tennis court area. The barrier shall be modified to allow the existing fences to remain.
 - All plantings shall be of a size, type and species as determined by the Urban Forest Management Division, (UFMD), DPWES.
 - All plant material, including trees, shall be maintained in a healthy condition and any dead, dying or hazardous material shall be replaced as needed. Dead or hazardous material shall be removed from the site.
14. Interior and peripheral parking lot landscaping shall be provided and maintained in accordance with the provisions of Sect. 13-201 and 13-202 of the Zoning Ordinance.
15. Best Management Practices shall be provided to the satisfaction of the Director, DPWES. If on-site stormwater management facilities are required, such facilities shall be located in the northeast corner of the site, and shall not encroach into the required transitional screening yards.
16. 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.
17. The maximum Floor Area Ratio (FAR) for the structure shall not exceed 0.06. The maximum building height shall not exceed 36.5 feet.
 18. There shall be no pole-mounted signs associated with this use. Building mounted and freestanding signs shall be permitted in accordance with Article 12, Signs.
 19. Any trash dumpster located on the property shall be screened by a board-on-board fence; or, with plantings which shall completely screen the view of the dumpsters, subject to the approval of DPWES.
 20. The pool, tennis courts and ballfields shall be used by the private school of general education, child care center/nursery school and synagogue and shall not be open for organized community use without amendment of this special permit.
 21. There shall be no overlap of activities between the private school of general education, summer camp, or child care center/nursery school and the scheduled religious services of the synagogue.
 22. All fencing on the property, including around the tennis court, basketball court, swimming pools and perimeter, shall be maintained and kept in good repair with missing links and/or boards replaced and rust cleaned and/or fencing painted or replaced. The basketball and tennis courts, swimming pools, walkways, and parking lot surfaces shall be kept weed and/or grass and brush free and maintained in good repair.

These development conditions 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 by the issuance of new Non-Residential Use Permit(s) (Non-RUP). 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. Beard seconded the motion, which carried by a vote of 4-0-1. Mr. Byers abstained from the vote. Mr. Hart recused himself from the hearing. Ms. Gibb was absent from the meeting.