

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

BUDDHIST TZU CHI FOUNDATION & BUDDHIST TZU CHI EDUCATION FOUNDATION D/B/A TZU CHI GREAT LOVE PRESCHOOL AND KINDERGARTEN, SP 2011-HM-007 Appl. under Sect(s). 6-303 of the Zoning Ordinance for an existing place of worship to permit the addition of a nursery school and child care center. Located at 1516 Moorings Dr. on approx. 2.18 ac. of land zoned PRC. Hunter Mill District. Tax Map 17-2 ((23)) 1. (Deferred from 5/18/11) Mr. Beard 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 June 8, 2011; and

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

1. The present zoning is PRC.
2. The size of the lot is 2.1804 acres.
3. Staff has recommended approval of the application.
4. The Department of Transportation has said they have no issue with this application.
5. There were no objections, notwithstanding the concern of some issues from the citizens association, which the Board understands they, per se, do not object, but have offered various input.
6. There was very strong support from the neighbors in the proximity.
7. This was a nursery/child care situation in its former existence, under Good Shepherd, and there were apparently no problems.
8. Staff has indicated that the street files show no such problems.

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, Buddhist Tzu Chi Foundation and Buddhist Tzu Chi Education Foundation d/b/a Tzu Chi Great Love Preschool and Kindergarten, and is not transferable without further action of this Board, and is for the location indicated on the application, 1516 Moorings Drive, and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Kurt N. Pronske, P.E., dated September 3, 1985, and approved with this application, as qualified by these development conditions.

3. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and 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. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) 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. The seating capacity in the main area of worship shall not exceed 344.
6. The total maximum daily enrollment of children in the child care center/nursery school shall not exceed 86.
7. The maximum number of employees on site at any one time for the child care center/nursery school shall be limited to 12.
8. The maximum hours of operation for the child care center/nursery school shall be limited to 6:30 a.m. – 6:30 p.m., Monday through Friday. Enrolled students shall not arrive prior to 7:00 a.m., and arrivals prior to 8:00 a.m. shall be limited to ten percent of the enrollment. Pick-ups shall be scheduled between 3:30 p.m. and 6:30 p.m.
9. The ages of the children shall be limited between two years nine months to five years eleven months.
10. Parking shall be provided as depicted on the special permit plat and shall consist of a minimum of 88 parking spaces. All parking shall be on site.
11. A minimum of two (2) play sessions shall be held each day for the use of the play area. Play sessions shall not be scheduled before 9:30 a.m.
12. The applicant shall provide contact information to the Lakeview Condominium Association within 15 days from the date the director of the child care center/nursery school or any future director is hired. The contact information for the applicant shall also be provided.
13. The arrival and departure times of the enrolled children shall be arranged to accommodate a staggered schedule set by the applicant at the time the child is registered.
14. The applicant shall encourage the parents of enrolled nursery school children and delivery vehicles delivering products to the nursery school not to use the driveway beyond the entrance to the Temple's parking lot by taking the following actions:
 - Place directional signs at the entrance to direct nursery school traffic to the Temple property's driveway instead of the easement driveway.

- Place portable barricades at the access point, furthest from Moorings Drive, of the Temple parking lot with a directional sign directing nursery school traffic that is exiting the property to use the Temple's driveway.
 - At registration of the children, provide the parents with a map showing how they should access and exit the Temple property and where they should park.
15. All lighting shall be in accordance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance and shall be operational.
 16. The barrier requirement shall be waived along all lot lines.
 17. The transitional screening requirement shall be modified to permit the preservation and maintenance of the existing vegetation on site.
 18. Any trash dumpsters or containers shall be fully screened with an architecturally solid wall and gate(s). Recycling of waste materials shall be encouraged. No trash trucks shall arrive on the property prior to 7:00 a.m.

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.

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.

Ms. Gibb seconded the motion, which carried by a vote of 6-0. Mr. Hammack recused himself from the hearing.