

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

BOARD OF TRUSTEES OF SHALOM PRESBYTERIAN CHURCH OF WASHINGTON, SPA 00-S-063 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 00-S-063 previously approved for a church to permit the addition of a child care center. Located at 10501 New Rd. on approx. 3.98 ac. of land zoned R-1. Springfield District. Tax Map 77-4 ((1)) 18. (Decision deferred from 11/17/10) Mr. Hart 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 5, 2011; and

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

1. The applicant is the owner of the property.
2. The original staff report recommended approval. The decision was deferred for additional information, which staff responded to primarily on the transportation issues, and staff is continuing to recommend approval.
3. The rationale in the staff report is adopted.
4. There have been some other issues raised in correspondence, and to some extent the concerns expressed about the application have to do with either the implementation of existing development conditions or whether the existing church is in conformance with what the development conditions required. Most of that discussion has little or nothing to do with the request before the Board, which is to add a relatively small child care into an existing church facility.
5. While the development conditions are important, staff has addressed to some extent whether the conditions have been satisfied to this point.
6. It seems that to the extent there are other questions about whether the vegetation is appropriate or that sort of thing, that can be addressed by Zoning Enforcement no matter what the Board does today, and that can proceed independently, and it should not necessarily delay the Board making a decision finally on the case.
7. The Board has addressed in the new development conditions some tweaks or rewordings of things that will address, particularly with respect to the vegetation, what is required.
8. The Board is not getting rid of any of the existing requirements or diminishing in any way the Zoning Administrator's ability to enforce what is already in place. Separating that category of issue from the decision before the Board is appropriate.

9. Regarding the transportation issues, the overwhelming conclusion drawn from all of this is that the effect on transportation from a child care center of 50 students is minimal. The amount of traffic is negligible compared to the volume of traffic going by along the parkway.
10. There is a little traffic coming in and out of the neighborhood, but compared to everything else being done, it is not a significant problem, or at least the addition of the child care center does not change the existing mix enough to warrant a denial.
11. The intersection itself with the parkway, maybe that is appropriate, maybe it is not. It is unsure why there are not exits and things, but there certainly is plenty of sight distance, and if there is room for improvement, the striping on New Road has faded away to almost nothing and maybe that needs to be revisited by VDOT, but that does not effect the development conditions any.
12. Given the additional information received from staff and having seen in the correspondence the concerns raised, in the big picture, the child care center really is not making anything any worse.
13. The development conditions, in staff's view, adequately address the impacts of the transportation on the neighborhood.

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, The Board of Trustees of the Shalom Presbyterian Church of Washington, and is not transferable without further action of this Board, and is for the location indicated on the application, 10505 New Road, 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 plat prepared by Professional Design Group, Inc., dated September 2009, as revised by Hamid Matin, Professional Engineer through June 1, 2010 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 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 maximum number of seats in the church shall be 100.
6. The total maximum daily enrollment of children in the child care center shall not exceed 49.
7. The maximum number of employees on site at any one time for the child care center shall be limited to 10.
8. The maximum hours of operation for the child care center shall be limited to 7:30 a.m. – 5:30 p.m., Monday through Friday.
9. Parking shall be provided as depicted on the special permit amendment plat. All parking shall be on site.
10. The outdoor play area shall be a maximum of 5,000 square feet and may be enclosed with a 4-foot high fence. The play area shall be located completely outside the Environmental Quality Corridor (EQC). The play area shall be located east and north of the proposed social hall in the general area shown on the plat. No additional vegetation that is shown on the plat shall be cleared for the installation of the play area.
11. Existing vegetation along the eastern, southern and western lot lines shall be preserved and maintained and shall satisfy Transitional Screening 1. Supplemental evergreen plantings shall be provided along the northern portion of the lot in order to soften the impact of the proposed use and screen the dwelling and proposed church structure. The number, size and species of plantings shall be determined by the Urban Forester. All vegetation shall be maintained in good condition and any dead or dying vegetation shall be replaced with like kind as determined by the Urban Forest Management Division (UFMD), DPWES.

The barrier requirements shall be waived along the northern and eastern lot lines. The existing wood fence shall be used to satisfy the barrier requirement along the western lot line. A split rail fence shall be constructed along the southwestern lot line.
12. The EQC as shown on the special permit plat shall remain as perpetually undisturbed open space. There shall be no clearing or grading of any vegetation within the EQC except for dead or dying trees and shrubs. There shall be no structures or fences located within the EQC.
13. The privately owned, operated and maintained underground stormwater management system shall serve the subject property as shown on the special permit plat. The underground system shall be subject to conditions imposed by DPWES in coordination with the applicant. Should this system need to be expanded or changed in any way, no additional vegetation shall be cleared for installation of this facility.

14. 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 be of a design which focuses the light directly onto the subject property. Full cut-off lights shall be used.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
 - The lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use.
 - There shall be no up-lighting of any of the proposed building additions.
15. The “no left turn” sign installed at the entrance to the site shall prohibit left turns from the site onto New Road and shall remain and be maintained by the applicant. The right turn only channelization at the entrance to the site shall be constructed of concrete.
16. The dwelling shall only be occupied by the proprietor, owner and/or an employee and his/her family that is directly related to the church use.
17. All signs on the property shall be provided in accordance with the requirements of Article 12 of the Zoning Ordinance.
18. The façade of the building shall remain brick veneer. The type and color of brick shall be compatible with the existing residential character of the neighborhood.

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. Byers seconded the motion, which carried by a vote of 6-0. Chairman Ribble was not present for the vote.