

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (GOOD SHEPHERD CATHOLIC CHURCH), SPA 82-V-035-03 Appl. under Sect(s). 3-203 of the Zoning Ordinance to amend SP 82-V-035 previously approved for a place of worship to permit building additions, site modifications and increase in seats. Located at 8710 Mount Vernon Hwy., Alexandria, 22309, on approx. 10.53 ac. of land zoned R-2. Mt. Vernon District. Tax Map 110-2 ((1)) 22A. 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 June 13, 2012; and

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

1. The applicant is the owner of the property.
2. The staff recommends approval, and the Board adopts the rationale in the staff report.
3. The applicant has presented testimony showing compliance with the required standards.
4. The facility has been in operation for some time.
5. With the imposition of the development conditions, subject to some tweaks, the impacts will be satisfactorily mitigated.

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 Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia and his successors in office (Good Shepherd Catholic Church), and is not transferable without further action of this Board, and is for the location indicated on the application, 8710 Mount Vernon Highway (10.53 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 plat prepared by Rinker Design Associates, P.C., dated May 3, 2012, and approved with this application, as qualified by these development conditions.
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 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 maximum seating capacity shall be limited to a total of 1,075 seats in the sanctuary and chapel areas. Seating in the fellowship building shall be limited to 200 seats.
6. Parking shall be provided as depicted on the special permit amendment plat. All parking shall be on site.
7. All ancillary activities and events, not including religious services, shall conclude no later than 10:00 p.m.
8. The one-story fellowship building shown on the special permit amendment plat shall not be rented to individuals or entities not affiliated with the applicant.
9. There shall be no concurrent use of the chapel and fellowship building for separate activities and events.
10. The transitional screening requirement along all property lines shall be modified in favor of what is proposed on the special permit amendment plat and described within this condition. All plantings shall be installed concurrent with the proposed improvements to the parking lot, or any phase of construction other than Phase 1.
 - a. A minimum of five (5) evergreen trees shall be planted within the area located between the two (2) access points on Mount Vernon Highway.
 - b. Subject to the limitations of an existing forty (40) foot sanitary sewer easement, a minimum of eight (8) evergreen shrubs shall be planted between the southernmost access point on Mount Vernon Highway and Surrey Drive.
 - c. A minimum of up to five (5) evergreens and five (5) shrubs shall be planted to supplement the four (4) proposed deciduous shade trees adjacent to the expanded parking area (Phase 2) as designated on the special permit plat.
 - d. At the applicant's option, either supplemental evergreen trees and/or evergreen shrubs shall be planted, or a six (6) foot high board-on-board wooden fence shall be installed, along the northern lot line from the western rear end of the proposed fellowship building to the eastern end of the parking lot, subject to existing easements, to provide relief from headlights to the residences to the north.

Final species, size and number of all plantings shall be determined in consultation with Urban Forest Management Division (UFMD), taking into consideration limitations of overhead utility lines, space, etc.

11. The barrier requirement along all property lines shall be waived, except as otherwise required herein.
12. The exterior of the additions and buildings, including the roofs, shall be architecturally compatible with the existing buildings and shall be similar in style, color and materials. The conceptual elevations as included in Attachment 1 may be modified with respect to building articulation by the applicant as part of final engineering and building design, provided that the modifications are in substantial conformance with the elevations shown on the special permit plat.
13. Interior and peripheral parking lot landscaping shall be maintained and supplemented in the parking lot in order to improve the visual appearance of the property, as necessary. Dead, dying or hazardous materials shall be replaced in the first phase of construction.
14. A geotechnical engineering study in accordance with Chapter 107 of the Fairfax County Code shall be required at the time of site plan review if determined necessary by the Director of DPWES, and its recommendation implemented as determined by the Department of Public Works and Environmental Services.
15. Any proposed lighting of the parking lot areas shall be in accordance with Par. 9 of Article 14 of the Zoning Ordinance and with the following:
 - The combined height of any new light standard and fixtures shall not exceed sixteen (16) feet;
 - The lights shall be low intensity design, full cut-off fixtures, which focuses the light directly onto the subject property;
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
 - There shall be no up-lighting of the site, including signs.
 - All lighting except that needed for security purposes shall be turned off within ½ hour after the end of an event.
16. The conservation easement as shown on the plat shall be preserved as undisturbed open space. There shall be no use, improvements, or clearing and grading within the conservation easement area without the prior written approval of Fairfax County.
17. Unless waived or modified by DPWES, Stormwater Management (SWM)/Best Management Practices (BMPs) shall be provided on site in accordance with Public Facilities Manual (PFM) requirements.

18. A sign permit shall be obtained for any proposed sign in accordance with the provisions of Article 12 of the Zoning Ordinance.
19. Notwithstanding the fencing shown on the special permit, the existing four (4) foot high chain link fence located along the western property line shall be replaced with a six (6) foot high board-on-board wooden fence. The wooden fence shall have a length of approximately two hundred (200) feet and shall extend from the northwest corner of the property in a southerly direction and terminate at an existing public walkway. Said fence shall be installed concurrent with the improvements proposed with Phase 3.

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.

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 1 shall establish the use as approved by this special permit. 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. Byers seconded the motion, which carried by a vote of 5-0. Ms. Gibb recused herself from the hearing. Mr. Smith was absent from the meeting.

A Copy Teste:



Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals